the Freeman

Ideas on Liberty

AUGUST 1968

Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back. I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas.

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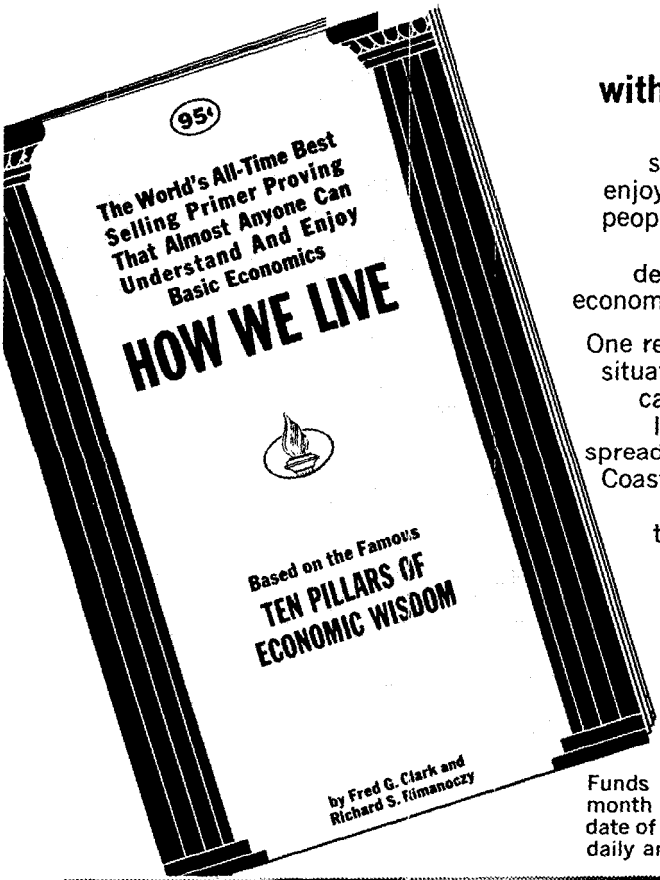
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The War on Poverty

A CRITICAL VIEW

EDMUND A. OPITZ

MOST PEOPLE who have lived on this planet have been desperately poor, and most societies even today are by no means affluent. Never before in history has a society entertained the hope that poverty might be eliminated; such a notion in any other society but mid-twentieth century America would be put in the same category as perpetual motion. Only in a nation where unparalleled prosperity was the rule could people regard poverty as the exception. No other society has ever been wealthy enough to even think of launching what we call a War on Poverty. I shall ask you to keep this thought in mind as I submit the program to critical analysis.

All men of good will can meet on the common ground of shared goals. The common aim of liberals and conservatives alike is to enhance the economic well-being of all men. We all want to see other men better off; better fed, better housed, better clothed, better educated, healthier and with better medical care, more recreation and more leisure. There is little disagreement as to goals such as these; the continuing debate between liberals and conservatives is not over ends; it is over means. We differ as to the means we must employ if we are to attain the ends we say we want to reach.

The Great Society has a ready answer to all such problems: Pass a law. The typical liberal of our time has unlimited faith in legislation designed to redistribute wealth and income: Taxes for all, subsidies for some. Is there a slum? Replace it with a government housing project. Is there a "depressed area"? Build a "defense plant" there. Is X industry in trouble? Give it a subsidy. Does the economy need a shot in the arm? Hand out a veterans'

The Reverend Mr. Opitz of the Foundation staff is active as a lecturer and seminar leader.

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bonus. And so on and so on; the list is endless. Each of the items, however, has something in common with all the others; each one proposes to correct an economic problem by political action. In short, the liberal invokes governmental action to achieve economic goals.

Emphasis on Production

Now, the natural way to go about achieving the economic ends of higher all round living standards — one would suppose — is by employing economic means and becoming more productive. It is only in a productive, prosperous economy that share-the-wealth programs make any sense at all; and it is only by expanding the methods which explain our present prosperity that the less prosperous can hope to improve their circumstances. Otherwise, the situation might shift into reverse; if we employ the wrong methods for getting rid of poverty, we might find that we have eliminated prosperity instead!

Government is not an economic institution; governmental action as such does not produce food, clothing, or shelter. The provisioning of men's material needs involves economic action, with government standing by to protect the producer and keep the trade routes open. Government has no economic goods of its own, so any wealth it bestows on this or that person must first be taken from the people who produced it. If government gives Peter a dollar, it must first deprive Paul of a portion of his earnings. The nature of political action is such that government cannot possibly be used as a lever to raise the *general* level of economic, physical, and intellectual well-being. If governmental action does increase the income of one segment of the population, it is only by disadvantaging other sectors of society in a kind of seesaw action. If, therefore, our concern is to upgrade the general welfare — the overall well-being of all citizens — we must rely on economic rather than political means; that is, we must rely on men and women in a market economy, working competitively, with government acting as umpire seeing to it that the rules of the game are not being violated.

Let us try to get this matter of poverty into perspective. Most of us have had some encounter with poverty. Our memories go back to the stock market crash of October, 1929, and to the Great Depression of the nineteen thirties. Most of us experienced poverty in our own families or, at any rate, in our neighborhoods. In the nineteen thirties there were millions of men

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without jobs, through no fault of their own. As a consequence of widespread unemployment, many American families had to scrimp in order to get along. They pulled in their belts and ate less well than they would have liked; some wore cast-off clothing; houses went unbuilt or unrepaired. People did without, and America went through the wringer. But during this same period – the nineteen thirties – more than five million people died of starvation in the Ukraine; nothing like this happened in America. America has never had a famine, not even during the Great Depression of the nineteen thirties. The mass starvation in the Ukraine was of a different order of magnitude from the hardship endured by the people of America during the Great Depression.

Twenty-five years ago I stepped off a troopship in Bombay. We were surrounded by beggars. A swarm of little boys were diving into Bombay Harbor for pennies; loincloth-clad stevedores – scrawny little men – began to unload the ship. Several of us hired a taxi which drove us around this exotic and teeming city. Returning to the ship late that evening, we drove through miles of city streets and saw hundreds of thousands of Bombay citizens sleeping side by side on the sidewalks. These people were not simply ill-fed and ill-clothed; they literally had no housing! This was poverty of an intensity so great that, by comparison, the poor in American cities or the impoverished in the rural areas of the South, even during the depths of the Great Depression, would seem affluent by comparison. There is affluence in India as well as an enormous amount of poverty, but the poor in America live at a level which would put them among the affluent in India – or Africa, or China, or in many parts of Europe.

Pinning Down the Definition: Poverty Is Relative

I draw these comparisons only to suggest that we are badly in need of a definition of our major term, poverty. We live in a generation which prides itself on its expertise in semantics. The semanticist has taught us to look for the referent. A piece of steel, the semanticists point out, is not a piece of steel merely. We must specify steel of a certain carbon content, with certain dimensions, at a certain temperature, and at a given time. A piece of steel *now* will be a blob of rust a century from now, so the time element is important. The Office of Economic Opportunity acknowledges the problem in a sense, by offering us

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an arbitrary definition of poverty. A couple without dependents, we are told, with an income of three thousand dollars a year, is living at the poverty line. But in 1936 one of the early New Dealers, an economist named Mordecai Ezekiel, wrote a book entitled *Twenty-Five Hundred Dollars a Year*. An annual income of two thousand five hundred was held up then as an economic target for America. The book was regarded as utopian, as a wild prophecy of the level of prosperity to which Americans might aspire. And now an annual income 20 per cent above this is called the poverty line!

Now, prosperity is not measured by numbers of dollars alone; prosperity depends upon the prices of the things these dollars are used to buy. And, as everyone knows, the government has inflated our dollars to the point where each one is now worth about 39 per cent of what it was worth thirty years ago. The dollar today buys — on the average — what 39¢ would buy in the period just before World War II. Three thousand dollars does not buy much in 1968. A couple which earns only three thousand dollars a year are declared by the national government to be existing on the ragged edge of poverty. But what is the very first thing this government does to them? It steps over and exacts more than three hundred dollars from them in taxes. This action violates what Tolstoy declared to be our first duty toward the poor. We should, he said, get off their backs!

I do not believe that all things are relative, but I do believe that some things are relative; and what we call poverty is one of them. A thirteenth century English serf living in Northumberland was desperately poor — not relative to other serfs living in Northumberland or Wessex, but relative to his Norman overlord. And that Norman baron lacked the amenities we deem necessary, and which are today enjoyed by all but a fraction of American citizens.

A Wave of Immigration

America has, until recent years, been looked up to by the world's people as the land of opportunity. Immigrants by the millions came to these shores in the period 1820-1930, in order to be free of the restraints they suffered from in other parts of the world. They sought a land where they might worship freely; a land where the barriers of class and caste were largely nonexistent; a land where a man might rise by his own efforts. What were these people doing here during these decades? They were farming, manufactur-

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ing, pushing west, building railroads across the continent, supplementing their diet by fishing and hunting, finding a new way of life, and so on. These people were producing food, clothing, shelter, and the amenities at an accelerating rate, and by so doing they were fighting poverty. They were overcoming poverty by their productivity – and poverty can be reduced in no other way – only by production. The general level of economic well-being in America rose decade by decade. Many people went from rags to riches; but even those whose ascent was not so dramatic did share in the general prosperity. I am critical of much that went on in nineteenth century America, but let's at least give the period its due. These people fought and largely won what might be called the great war on poverty. A whole society came to enjoy a level of affluence hitherto "beyond the dreams of avarice."

Americans continued to expand their productive capacity so that by mid-twentieth century we have sent our surpluses around the globe in various foreign aid programs. Despite the fact that America has given more than 122 billion dollars worth of goods to various nations since the end of World War II, Americans still enjoy a personal level of prosperity far above that of most other people. America's greatness is not, of course, to be measured by monetary income and material well-being; but it is interesting to note how well Americans have done economically with the resources available to them. The United States is only one-sixteenth of the land surface of the world, and Americans are only about one-fifteenth of the world's population. Nevertheless, Americans own three-quarters of all the automobiles in the world, one-half of all the telephones, one-half of all the radios, three-quarters of all the television sets. Americans consume about two-thirds of all the petroleum products in the world, one-half of all the coffee, two-thirds of all the silk. An American factory worker can buy four suits of clothes with a month's wages; his counterpart in a totalitarian country can buy half a suit with a month's wages. An American can buy six pairs of shoes with the results of a week's work; his totalitarian counterpart can buy one shoe. These figures prove only one thing. They demonstrate with what dramatic success Americans have waged the great war on poverty.

We had become so prosperous by the mid-nineteen fifties that this fact was cause for alarm – in the eyes of some people. For

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example, the National Council of Churches convened a study conference in Pittsburgh in 1956, on the general theme: "The Christian Conscience and an Economy of Abundance."

"Can we stand abundance?" asks a brochure which came out of this Pittsburgh meeting. "The human race has had long experience and a fine tradition in surviving adversity. But now we face a task for which we have little experience, the task of surviving prosperity." Among the conference resources was a booklet by Leland Gordon and Reinhold Niebuhr giving "information and insights on the economic and religious aspects of mounting prosperity in the U.S.A." In 1958, John Kenneth Galbraith provided the phrase we were looking for to characterize the era when he entitled his book *The Affluent Society*. The man in the street phrased it somewhat differently: "We never had it so good," he said.

The prosperity enjoyed by the bulk of Americans during the mid-twentieth century does not mean that American society neglected those who did not share in the general prosperity. In 1963, the then Secretary of Health, Education, and Welfare observed that 42 Federal programs have "a direct application to poverty." In addition, every local community had its locally based welfare projects and so did every state. According to the *Social Security Bulletin* for November, 1963, we were spending in excess of forty-four billion dollars a year on welfare and welfare-type programs. Then, in 1964, Congress passed the Economic Opportunity Act and a one billion dollar War on Poverty was announced with great fanfare.

How the Great War Was Won

Now the very fact that we have a so-called War on Poverty is itself eloquent testimony to the general affluence of our society. In a society where almost everyone is poor — and this has been the condition of almost every human society of the past and it continues to be the condition of most people in other parts of the globe today — talk of eliminating poverty is a pipe dream. It is only in America that the idea of ridding ourselves of the last vestiges of poverty would occur to anyone. So successfully have we waged the great war on poverty that we entertain the notion that in a piece of further legislation we can eliminate what might be called residual poverty.

It goes without saying that before we can share our prosperity we must be relatively prosperous. Thus, it is imperative that we ex-

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plain the question: How did we achieve that level of prosperity which makes it possible for us to entertain the notion of eliminating poverty altogether? The average American is somewhat taller than his ancestor of a century ago, and somewhat heavier; he has had a longer period of schooling. But our prosperity gains are not to be accounted for by the fact that the twentieth century American is bigger, stronger, and smarter than his nineteenth century counterpart. Does he work longer than his forebear of a century ago? No, to the contrary, the work week has been cut almost in half in the past hundred years. The answer lies in better tools and more of them. The average American worker of today has at his disposal far more and better machinery than any other worker in history, and as a result the American worker is the most productive worker of all times. In America machines do more than 90 per cent of the physical work. Tools and machines are called capital, and it is the immense amount of capital invested per worker in America which accounts for the American's productivity. In the average manufacturing plant there is more than $21,000 invested per worker. In the automobile industry the figure rises to $25,000 invested per worker in machines and tools; in chemicals the investment is $45,000 per worker; and in petroleum the figure skyrockets to $141,000 of invested capital. A society becomes more prosperous – the material well-being of people increases – when people are encouraged to save, when earnings are protected, and when these savings are invested in tools and machines. At the present moment in America about $21,000 worth of tools and machines – on the average – are put at the disposal of each man who works in a factory. As a consequence, the average American worker produces more efficiently than his counterpart in other nations, and more goods are available for everyone. Because he produces more his wages are higher; his wages rise in lock step with his increased productivity. This was how the great war on poverty was won.

Progress through Freedom

This result has been obtained within the free economy, or the free market, as it is sometimes called. The free society is one which gives the individual citizen elbowroom by limiting government by constitutional, legal, and moral restraints. The idea is to retain a protected private domain within which people may freely choose and freely pursue their personal goals – just so long as

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their actions injure no one else. In such a society the economy will be free, and as a result of economic freedom it will attain to maximum prosperity. But no matter how prosperous a society becomes, wants and demands will increase faster than material goods can be produced.

Henry David Thoreau remarked that he was rich in the number of things he could do without; but this is not the modern temper. The mood of our time is reflected in Samuel Gompers' response to the question, "What does labor want?" "More," was his reply. There is a Parkinson's Law in operation here: The higher the general level of prosperity, the more keenly do we feel the nagging wants and demands for even more things. The general principle is: Human wants and demands always outrun the means of satisfying them. This is a fact of our human situation as such, and we need to discipline our emotions into line with reality.

These emotions are easily exploited by demagogues who suggest that mankind might move into a utopia of abundance, except that wicked men bar the way and keep us poor. The coordinator of the National Council of Churches' Anti-Poverty Task Force, for example, makes the assertion that "Poverty would not continue to exist if those in power did not feel it was good for them." Such a sentiment as this is a gratuitous insult aimed at dissenters; but moreover, it is a silly sentiment. We live in a commercial and manufacturing culture, and mass production is the rule. Mass production cannot continue unless there is mass consumption, and the masses of men cannot consume the output of our factories unless they possess purchasing power. To suggest that those who have goods and services to sell have an interest in keeping their customers too poor to buy is nonsense. In a free economy, everyone has a stake in the economic well-being of every other person.

"The Science of Scarcity"

Economics has been called the science of scarcity, but as the word "scarcity" is used in economics it is a technical term. Let me try to explain. If we are to properly evaluate the war on poverty, we must keep in mind that there is on this planet a built-in shortage of the things men want and need. To qualify as an economic good a thing must exhibit two characteristics. It must, in the first place, be wanted; and, in the second place, it must be scarce. Every one of us wants air, but air is not an economic good because each of us can breathe all

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the air he desires and there's still a lot left over for everyone else. Ordinary air is not a scarce good, but conditioned air is another matter. Air that has been cooled or heated has had work performed on it and it is in relatively short supply; there's not enough of it to go around and, therefore, we have to pay for it; we have to give up something else in order to obtain air that is heated or cooled. The second feature of an economic good is its scarcity. Now, beriberi is a scarce thing in this part of the world, but it is not an economic good because no one wants it.

Economics is indeed the science of scarcity, but it's important to realize that the scarcity we are talking about in this context is a relative scarcity. In the economic sense, there is scarcity at every level of prosperity. Whenever we drive in city traffic, or look vainly for a place to park, we are hardly in a mood to accept the economic truism that automobiles are scarce. But, of course, they are, relative to our wishes. Who would not want to replace his present car or cars with a Rolls Royce for Sundays and holidays, plus an Aston Martin for running around?

The economic equation can never be solved; to the end of time there will be a scarcity of goods, and unfulfilled wants. There will never be a moment when everyone will have all he wants. "Economics," in the words of Wilhelm Röpke, "should be an anti-ideological, anti-utopian, disillusioning science." And indeed it is. The candid economist is a man who comes before his fellows with the bad news that the human race will never have enough. Organize and reorganize society from now till doomsday and we'll still be trying to cope with scarcity.

The point needs to be stressed: Scarcity now and forever, no matter how high we jack the society above the subsistence level. Poverty, in other words, is not an entity like smallpox, say, or polio. By research, and by investing a great deal of money, time, and brains, we have wiped out several diseases which once plagued the human race. There is no analogy here to the situation we confront as regards poverty. No matter how far a society climbs up the ladder of prosperity there will always be a bottom 20 per cent; some folks will always be better off than others. A college president says that they carefully screen the students entering his institution, and during the four years of college the students are exposed to the best teachers around. But despite all their efforts, 50 per cent of the students graduate in the bottom half of their class!

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Every society, no matter how prosperous, will still be trying to cope with vestigial poverty – even though the people comprising this residue of poverty are affluent by comparison with the masses of Asia.

Poverty through Intervention

Scarcity, as I have said, is in the nature of things, but there is also artificially induced scarcity. There has been less of institutionally generated and sanctioned scarcity in America than elsewhere, but there has always been a certain percentage of our poverty artificially created by unwise and unwarranted political interventions. If government did not do so much to hurt people, there would be less excuse for its clumsy efforts to help them. Let me briefly cite several examples: The farm program costs about 7 billion dollars a year. This hurts mainly the masses of moderate and low income people who are first taxed to pay for the program, and then are hit again by the higher prices they are forced to pay for food – which is a far larger item in the budget of the poor (in proportion) than it is in the budget of the rich. The money taken from these people is given to farmers who use it to buy equipment and fertilizer to grow more food for which there is no market so that government can store it or give it to people who are hurt by receiving it.

Look at the damage done by the Urban Renewal Program. My source here is the study by Professor Martin Anderson, sponsored by the Joint Center for Urban Studies of M.I.T. and Harvard, published as *The Federal Bulldozer*. In the decade under examination, Professor Anderson found – among other things – that the Urban Renewal Program has demolished about 120,000 dwelling units with a median rental value of $40 per month. During the same period, some 25 to 30 thousand dwelling units have been built with a median rental value of $180 dollars per month. The poor have been evicted from their crowded and unsatisfactory housing into housing that is even less satisfactory and more crowded. The people who can afford to pay $180 a month are enjoying subsidized housing at public expense. During the period when Urban Renewal has shown a net loss of 90,000 housing units, what has private enterprise been doing? Something like 18,000,000 housing units have been constructed in the private sector of the economy!

Then there are minimum wage laws. Liberal and conservative economists see virtually eye to eye on this point; they agree that min-

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imum wage laws throw men out of work – especially teenagers and especially Negroes. After 1956, when the minimum was raised from 75¢ to $1.00 the nonwhite teenage unemployment rose from 7 per cent to 24 per cent while white teenage unemployment went from 6 per cent to 14 per cent. It is easy to understand why. Wages are a cost of doing business, and if something begins to cost more, we start using less of it—other things being equal. When labor costs more per worker, fewer workers will be used. Some marginal plants will shut down altogether.

Similar reasoning applies to monopoly labor unions. The aim of these unions is to raise wages above the market level; and if they succeed in so doing, a number of workers are thereby disemployed. Former Senator Paul Douglas wrote his book on wage theory in 1934, demonstrating that if wages are artificially raised 1 per cent by union pressure on employers, between 2 and 3 per cent of the work force will lose their jobs. Unemployment is institutionalized.

Then there is the matter of investment. The welfare state's pattern of taxation drains off money that otherwise would flow into capital investment, with the result that we have fewer tools and machines than otherwise would be the case, and are that much less productive in consequence. Being less productive, we are poorer than we need to be. It boils down to the truism that we can conquer poverty only by production, with the corollary that every restraint on production sabotages the real war on poverty. Nor is there any political alchemy which can transmute diminished production into increased consumption.

The fact of the matter is that the restrictive political practices of today – which bear such labels as Liberalism, Collectivism, and the Great Society – are the consequence of wrong-headed theories of yesteryear and last century. We embraced unsound ideas and engage in uneconomic practices as a consequence. The late Lord Keynes said it well:

> Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back. I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas.

It is ideas which rule the world, for good or ill, and in this struggle none of us is a mere spectator. ◈

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THE COLLAPSE OF SELF

LEONARD E. READ

WHAT a thought-provoking title, "The Undiscovered Self"![1] For it implies a dark continent in the mind awaiting exploration, and suggests that the discovery and development of the inner life is the only way to lengthen the perimeter of all that man can call reality. The expanding universe, in this sense, is but the measure of man's expanding mind. Only a moment ago, in evolutionary time, this orb of ours was thought to be flat. The expanding self – increasing awareness – not only is responsible for that correction but accounts for the appearance of the electron, countless galaxies, and numberless other wonders that recently have come within the range of man's concept of all that is real. And the end will never be in sight!

Nor need we confine our observations on the significance of the expanding self to the physical universe. As the inner life is more successfully explored, spiritual qualities are increasingly perceived, embraced, and experienced: creativity, inventiveness, piety, love, justice, charity, integrity, a moral nature.

We conclude, therefore, that man's destiny, earthly goals, purposes, aspirations – properly focused – are linked inextricably to a deeper understanding and meaning of expanding selfhood.

And, by the same token, we can infer that any abandonment of selfhood is dehumanizing; it is devolutionary as distinguished from evolutionary; it is collapse!

[1] *The Undiscovered Self* by Dr. Carl Gustav Jung (New York: The New American Library of World Literature. A Mentor Book).

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The collapse has numerous manifestations: strikes; riots; mass hysteria; political chicanery; licentiousness in the name of art, music, poetry; in a word, public bawdiness; in classrooms and pulpits alike the pursuit of excellence is more pardoned than praised. The signs, to say the least, are ominous.

It is, thus, of the utmost importance that we try to pinpoint the cause of this dwindling self-respect for, as I see it, this is the taproot of the deplorable effects we observe.

The mere phrasing of the collapse or decline as "the loss of self-respect" comes close to suggesting what the cause really is: *a marked removal of responsibility for self*. And while the individual who is forced to relinquish responsibility may take comfort in the fact that he did not divest himself voluntarily, the end result – coercively taken or willingly given – is *no responsibility for self*. Next to life itself, self-responsibility is the most precious possession one can lose, and it matters not how he loses it.

Talents to Be Tested

Before discussing the careless and lackadaisical attitude toward self-responsibility, let's review its importance. For, unless an individual is aware of its deep meaning, he will regard it lightly and will not cling to it as one of the most priceless of all possessions.

Frederic Bastiat sets the stage for my thesis: "We hold from God the gift which includes all others. This gift is life – physical, intellectual, and moral life. But life cannot maintain itself alone. The Creator of life has entrusted us with the *responsibility* of preserving, developing, and perfecting it. In order that we may accomplish this, *He has provided us with a collection of marvelous faculties.*"[2]

Marvelous *potential* faculties would be more to my liking. A faculty is marvelous only when there is some attempt to realize its potentiality. There is nothing marvelous about the faculty of sight if one will not see, or of insight if one lets it lie forever dormant. The "marvelous" quality rises and falls with the development or atrophy of faculties. Put our faculties to use and they develop; neglect to use them and they decline.

Tie the arm to one's side and it withers; cease exercising the mind for a prolonged period and thinking can no more be recovered than spoiled fruit can regain its freshness. It is use, practice, exercise

[2] *The Law* by Frederic Bastiat (Irvington-on-Hudson, N. Y.: The Foundation for Economic Education, Inc.), p. 5.

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that gives muscle to the faculties, all faculties – intellectual and spiritual as well as physical.

Observe a person in extreme difficulty – over his head in water, financial problems, or whatever. Except in rare instances, he'll frantically hope for someone to rescue him. But what happens when no helper is to be found? He finds only himself; he's on his own responsibility; it's sink or swim, as we say. And nine times out of ten he'll work his way out of the mess he's in. Faculties, if not too far gone, rusty though they may be, will rise to the occasion; creakily they'll begin to function.

Responsibility for self not only rescues the faculties from nonuse and atrophy but serves to renew, invigorate, and expand them; these faculties are the very essence of self, that is, of one's life. Further, self-responsibility has no substitute; it is *the* mainspring of the generative process.

Any individual who intelligently interprets and identifies his highest self-interest – the growth or hatching of faculties – and then clearly perceives the role self-responsibility plays in achieving this objective, must cherish, prize, and cling to its retention. Toward this right of being responsible for self he has a defiant possessiveness; it is among the last of all rights he will permit others to take from him – next to life itself. And the idea of voluntarily transferring one's self-responsibility to someone else is unthinkable. How could anyone call such a thought his own?

Shedding Responsibility

But what, actually, is the situation? Millions of citizens are doing all within their power to rid themselves of responsibility for self as if it were a dreaded burden. They implore government to be responsible for their prosperity, their welfare, their security, even their children.[3] They voluntarily drift – nay, militantly march – toward total irresponsibility.

And on the other side of the coin are the governmental power seekers – all too ready to accommodate. Members of the hierarchy who devoutly wish to assume responsibility for the people's lives and livelihoods – with the people's

[3] The child is but the extension of parental responsibility. So far as responsibility is concerned, parent and child begin as one and the same. Ideally, parental responsibility is relinquished as the offspring acquires responsibility for self; self-responsibility thus suffers no loss. But, to an alarming extent, this proper transition is ignored. Instead, the responsibility for children – education, for instance – is more and more turned over to government, an apparatus incapable of transferring the responsibility it has assumed to the child. It is this parental irresponsibility which accounts, in no small measure, for the juvenile delinquency we observe all about us.

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money! – are greeted less with resistance than with eager acceptance. Laws are then written to enforce compliance; that is, government forcibly takes the responsibility for problems, as much from those who oppose as from those who applaud the transfer of responsibility.

Together – those who eagerly shed responsibility and those who as avidly assume it for others – they present not only a collapse of self but a landslide to tyranny.

Strikes, riots, and other provocative demonstrations are but the actions of a people bereft of self-respect. These millions are no longer anchored to responsible behavior; they have cast themselves adrift, their trade union or the government or some other "benefactor" assuming the responsibility for their lives. The disciplined behavior required for social felicity, which responsibility for self imposes, is so lacking that they suffer no obvious penalties for their follies. To absolve human beings of this corrective force is to populate the world with people recklessly on the loose, every base emotion released, vent given to the worst in men.

Individuals responsible for self are rarely found in mobs. They concern themselves, rather, with spouses, children, perhaps aged or helpless relatives and friends – others who are less fortunate than themselves. Above all else, they pay attention to an emerging, expanding selfhood. In a word, there's work to do – no time or even inclination to indulge in actions unrelated thereto.

Paternalistic Government

So, when lamenting the current trends, point the finger of blame where it belongs, at The Establishment, namely, at the preponderant thinking of our day: the mischievous notion that it is the role of government to look after "its people."[4] Point the finger, also, at the dwindling respect for our most priceless right: the right to look out for ourselves.

Observe that the finger of blame points at the mischievous notion of paternalism and the loss of self-respect – not at discrete individuals. Without question, we make a grave error when we try to shame persons because they espouse ideas which we believe to be false. One can take no credit for this tactic; it is as shallow as, indeed, it is identical to, name-calling. Such personal affronts generate only resentment; under this kind of fire, these human targets of our criti-

[4] Many of the persons who deplore riots are those who support one or another Federal handout – free lunches, Medicare, subsidies, the Gateway Arch, you name it – little realizing that their type of action set the riots in motion.

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cisms rise to their own defense and are thereby hardened in their ways. Utter silence is preferable to this.

We should, instead, work at the impersonal level, which means coming to grips with the ideas at issue. All of us share in common a feeling of gratitude toward those who keep us from making fools of ourselves. That it's the function of government to look out for "its people" is no more valid than the ancient belief that the earth is flat. Were we adequately to work at the intellectual level, the former notion would no more be upheld than the latter, and for the same reason: its invalidity!

It is clear that expanding selfhood is possible only in a state of freedom. And it is equally clear that freedom is out of the question among an irresponsible people, seemingly a vicious circle. Yet, this circle can be broken, the collapse ended, and a reversal begun by little more than a recognition that self-responsibility is the master key. Man then may see that his earthly purpose is not to be a ward of the government but *his own man*, under God – self-respecting and self-responsible. ◈

IDEAS ON LIBERTY

A Harmony of Interests

THE SOCIALISTS believe that men's interests are essentially antagonistic. The economists believe in the natural harmony, or rather in the necessary and progressive harmonization, of men's interests. This is the whole difference. . . .

To be sure, if men's interests are naturally antagonistic, we must trample underfoot justice, liberty, and equality before the law. We must remake the world, or, as they say, *reconstitute society*, according to one of the numerous plans that they never stop inventing. For self-interest, a disorganizing principle, there must be substituted legal, imposed, involuntary, forced *self-sacrifice* – in a word, organized plunder; and as this new principle can only arouse infinite aversion and resistance, an attempt will be made at first to get it accepted under the deceptive name of fraternity, after which the law, which is force, will be invoked.

FREDERIC BASTIAT, *Justice and Fraternity* (1848)

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CLARENCE B. CARSON

The Rise and Fall of England

6. THE MORAL BASE

THERE was more to England's rise to greatness and leadership of civilization than the establishment of liberty. It has been made clear that this rise was preceded and accompanied by the laying of political foundations for liberty – by the separation and counterbalancing of power, by substantive limitations on power, by the widespread veneration of and intellectual support for liberty, and by legal efforts to secure liberty and property. But liberty only releases the energies of a people; it does not direct and control them to positive ends of achievement. Edmund Burke pointed out regarding the supposed establishment of liberty in France during the French Revolution that if people are to be free to do as they please, "we ought to see what it will please them to do before we risk congratulations. . . ."

Of course, Burke knew that liberty does not consist in simply doing what one pleases. It is only possible when men are constrained to behave in ways that will not intrude upon the equal liberty of others as well. But his point is well taken, even so. Liberty is only conducive to greatness when a people are under the sway of a noble vision of the purpose of life, when they are motivated to the constructive employment of their

Dr. Carson, Professor of History at Grove City College, Pennsylvania, will be remembered for his earlier FREEMAN series, *The Fateful Turn*, *The American Tradition*, and *The Flight from Reality*.

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faculties, when they are inwardly constrained to peaceful pursuits, and when they generally abide of their own will by certain high principles. In short, liberty provides the opportunity, but positive achievement proceeds from an ethos, an ethic, a morality, a religious or spiritual base.

So it was for the English, at any rate. In the broadest sense, the ethos which gave meaning to the lives of Englishmen, impelled them to their accomplishments, and provided the moral code for individuals to control themselves came from Christianity. Christianity is an unusual fusion of Old and New Testament teachings. From the Old Testament particularly comes the high moral code for conduct conducive to peaceful living in this world. The Decalogue reduces this code to a few simple commandments. The last five of these command a strong and explicit respect for life and property:

> You shall not kill.
> You shall not commit adultery.
> You shall not steal.
> You shall not bear false witness against your neighbor.
> You shall not covet. . . .[1]

The New Testament goes beyond these to place great emphasis upon inward purity of heart, of motive, and of desire. Both Old and New Testament show man as inherently bent to sinfulness, as naturally alienated from God, as prone to serving the things of this world rather than doing the will of God. Both evoke in sensitive souls a sense of tension between man as he is and man as he should be — a tension in the broadest sense between This World and the Next. The Counsel of Perfection, taught by Christ, revealed such an exacting level of behavior as good and virtuous that living up to it would be entirely beyond the natural capacities of man.

Norms of Christian Living

Christianity not only revealed and held up perfect and impeccable norms for human conduct but also offered a means of redemption for sinful man. More, Salvation was not only made available but also almost irresistibly attractive — a pearl beyond price. This is not the place to enter upon a discussion of the mysteries of religion, however, even if the writer were competent to do so. The bearing of these matters upon history is great, nonetheless. The fact is that Christianity, in providing a way for the redemption of individuals, did not remove the tension between This World and the Next; if anything, for the very sensitive it heightened it. A man

[1] *Exodus* 20: 13-17 (RSV).

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still had to live out his years in this Vale of Tears. He still had to inhabit the flesh, be subject to its temptations and resist them, live in relationships with other men, and live in an abiding consciousness of how far from the ways of God are the ways of the world. The gift of salvation carried with it the freely incurred obligation to observe the moral norms.

There developed within Christianity, then, a particular attitude toward this world. It was, in the traditional language, a snare, a delusion, a place of temptation, at war with the spirit, temporary, destined for destruction, and so on. What posture a Christian was to take toward this world was a matter that engaged the intellects of the greatest thinkers and the heroic efforts at exemplification of many of the saints. The positions taken ranged all the way from the rare one of pantheism to complete rejection of, say, a Simeon of Stylites.

There have been, however, two main postures taken by Christians toward this world, that of Roman Catholics and that of Protestants. England was under the sway of Roman Catholicism for nearly a thousand years, from the Synod of Whitby in 664 until the Act of Supremacy in 1534. England's time of greatness and world leadership came under the Protestant impetus, but the importance of this will be clearer by examining first the Catholic posture toward this world.

Catholic Practices

Actually, there are two postures implicit in Catholic practice regarding this world. There is one for those of a strong religious bent – for the unusually sensitive souls – and another for the generality of men. The generality of men must perforce live in the way of the world, and they will do so, in any case. They must marry and give in marriage, go into the marketplace and trade, produce and consume, make war and maintain law and order, use that force and those means necessary to keep things running. Since they live and participate in the way of the world, they are subject to the great temptations there and are likely ever and again to fall into grievously sinful actions and habits. For such men to be redeemed they must benefit from unearned Grace. On the other hand, those of deep and abiding religious inclinations may withdraw from the world – spiritually – to live in convents and monasteries. They renounce the world to live unto God. By living apart from the rest of the world, by living under rigorous discipline and observing a regular

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order of devotion, these may be able even to store up Grace that may benefit the generality of men. The social import of all this is that those of a deeply religious and devout nature were set apart for religious devotion rather than directing their energies toward this world, so to speak.

The Church of England

Very shortly after the break with the Roman church, the monasteries and nunneries were suppressed in England. Their lands and properties were taken from them, and they had to seek other means of livelihood and to make themselves useful in the world. The Church of England was soon set on its course which it has generally tried to follow throughout its history, a course which would provide a middle way between that of the Roman Catholic on the one hand and that of other Protestants on the other. Like other Protestants, Anglicans would allow their clergy to marry and would have a reduction of the sacraments. Like the Roman Catholics, they would continue the practice of episcopal succession and be governed by an hierarchy, among other things. Like any compromise, however, it did not entirely satisfy a considerable number of people.

Mainly, the Anglican church did not satisfy those with unusual religious zeal. It largely denied the monastic outlet for those of such an inclination and did not replace this with any great moral fervor directed toward life in this world. It is not to deny that the Anglican church has provided religious solace to its communicants, nor to deny that it has numbered among its clergy men of great intellect and religious steadfastness, to point up what was largely lacking from its make-up. The truth is, however, that the Anglican church has not generally played up the tension between This World and the Next. It has obviously been a support of the powers that be in This World. It has discouraged any great degree of zeal which might disturb existing arrangements or lead to transformations.

Evangelical Protestantism

The moral base and animating drive from Christianity which was so important for England's rise and greatness came mainly from evangelical Protestantism, then, even to an influence on the Anglican church itself. There were two great waves of evangelical Protestant fervor to sweep over England, accompanied by several rivulets. The first of these was brought by the Puritans, the second by John Wesley and Methodism. The Puritan impact reached its peak in the

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middle of the seventeenth century. The second wave came in the latter part of the eighteenth century and continued on into the nineteenth century until it could be said that the evangelical Protestant outlook held sway in England.

The contrast between the Puritan attitude toward this world and that of Roman Catholics is great indeed. The Puritans were capable of the most vivid language to describe the sinfulness of this world. To their spokesmen, this world was indeed a snare and delusion, and the Christian a pilgrim and a stranger in it. On every hand, man was beset by temptations which he was unable of himself to overcome. Life was conceived as a great struggle between the commands to righteousness of God and the bent of man to pursue his own fleshly way. Yet the Puritan did not in the least approve of efforts to withdraw from the world. That we should live out our time in the midst of the temptations of this world was a part of the plan of God for man. To withdraw would be to run away. Christians were called instead, they held, to plunge into the affairs of this world with zeal, to show forth the character of their faith by the performance of their tasks here.

One historian of English Puritanism has described their attitude toward life in this world in the following fashion:

> . . . The preachers endeavored by precept and example to show how the elect, while living according to the code of saintliness, must use their gifts and opportunities in this life. The Puritan code was much more than a table of prohibitions. It was the program of an active, not a monastic or contemplative, life. . . . The saint had no reason to fear the world or run away from it. Rather he must go forth into it and do the will of God there.[2]

The Puritan Posture

The Puritan posture toward this world comes out clearly in the doctrine of The Calling. To Roman Catholics, the clergy, monks, and nuns were supposed to have a special calling or vocation. To the Puritans, by contrast, all those chosen by God (elected) were called to whatever their earthly undertakings might be. John Cotton, an English Puritan who migrated to America, set forth this doctrine very explicitly. He said, "First: faith draws the heart of a Christian to live in some warrantable calling. As soon as ever a man begins to look towards God and the ways of His grace, he will not rest till he finds out some warrantable calling and employment."

[2] William Haller, *The Rise of Puritanism* (New York: Columbia University Press, 1938), p. 123.

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He makes it clear that a warrantable calling may be any lawful employment so long as it serves the public as well as the individual involved and that it be such an undertaking as an individual is led to by his talents, interest, and the counsel of others. Cotton sums up his message in this way:

> It is an use of instruction to every Christian soul that desires to walk by faith in his calling: if thou wouldst live a lively life and have thy soul and body prosper in thy calling, labor then to get into a good calling and therein live to the good of others. Take up no calling but that thou hast understanding in, and never take it unless thou mayest have it by lawful and just means. And when thou hast it, serve God in thy calling, and do it with cheerfulness and faithfulness and an heavenly mind. And in difficulties and dangers, cast thy cares and fears upon God, and see if he will not bear them for thee; and frame thy heart to this heavenly moderation in all successes to sanctify God's name. And if the hour and power of darkness come, that thou beest to resign up thy calling, let it be enough that conscience may witness to thee that thou hast not sought thyself nor this world, but hast wrought the Lord's works. Thou mayest then have comfort in it, both before God and men.[3]

[3] Perry Miller, ed., *The American Puritans* (Garden City: Doubleday, 1956), pp. 173-82.

The Puritan, then, was supposed to go about the affairs of the workaday world with a zeal enlivened by his religious faith. He was to show forth the character of his faith by the quality of his work. The virtues he particularly admired were such as might well lead to success in an earthly calling: industry, sobriety, diligence, honesty, and steadfastness. Puritans did, indeed, throw themselves into the affairs of the workaday world with an almost unprecedented zeal, for the purpose, in purest doctrine, of glorifying God and keeping themselves pure against the Day of Judgment, though many of them may well have become enamored of the means and forgotten the end.

After the Restoration

The great age of the Puritans was the seventeenth century. In England their ranks numbered such stalwarts as John Milton, Oliver Cromwell, Edmund Spenser, John Bunyan, among others. The Puritan experiments during the Interregnum (1649-1660), however, left a bad taste for their faith in the mouths of many Englishmen, and the following of the Puritan faith waned after that. Puritans were never again to occupy so prominent a position among the English. With their decline came also a decline generally

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of the nonconformist or evangelical Protestant appeal for a good many years.

Historians are generally agreed, too, that there was a general letdown in morality after the Restoration (1660) and extending well into the eighteenth century. In the first half or so of the eighteenth century the upper classes were reputed to be much given to wine drinking and gaming. "They tell me," George III once said to Lord Chancellor Northington, "that you love a glass of wine." The reply was, "Those who have informed your Majesty have done me a great injustice; they should have said a bottle." Gout was a common disease, reputed to be the result of drinking huge quantities of cheap port. Gin could be had cheaply, and many of the poor drowned their sorrows in it, according to report. Industry and sobriety were not yet well established in England.

Whitefield and Wesley

Evangelical Protestantism began to make a comeback in the eighteenth century. With it came a renewed religious zeal and a revival of what was, in many respects, the Puritan posture toward this world. Several denominations and sects played a part in this: Congregationalists, Baptists, and Quakers; but the most prominent role was played by John Wesley and the Methodists. There were two leading figures in a revivalist movement which was underway in the 1730's and 1740's: George Whitefield and John Wesley. Whitefield was the first to take to open-air preaching – that is, preaching to throngs of people who gathered in an open space. His preaching was characterized by much enthusiasm and a powerful emotional appeal. John Wesley was to adopt this as his method too, and over a long career was to address such crowds on many occasions.

Of the influence of Wesley and Whitefield upon their time, as well as upon later generations, there should be no doubt. One historian says that their work "brought about the regeneration of a living faith in England. They appealed to the vast mass of their countrymen who had, most of them, either never been inside a church in their lives, or, if they had, were untouched by the formal services they found there – the poor, the degraded, no less than the honest working folk, repelled by the cold, lifeless, and perfunctory ministrations of the beneficed clergy."[4]

Wesley and Whitefield preached

[4] Basil Williams, *The Whig Supremacy* (London: Oxford University Press, 1939), pp. 96-97.

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salvation by faith and personal piety. Though they frequently addressed the poor, they were neither radicals nor revolutionaries. Their message was directed to individuals, not to classes. So far as Wesley was concerned with the material conditions under which people lived, he bade them to improve by their own efforts. More, he bade them to be diligent in their earthly affairs:

> The generality of Christians after using some prayer, usually apply themselves to the *business* of their calling. Every man that has any pretence to be a Christian, will not fail to do this: seeing it is impossible that an idle man can be a good man: sloth being inconsistent with religion. But with what view? For what end do you undertake and follow your worldly business? "To provide things necessary for myself and my family." It is a good answer, as far as it goes; but it does not go far enough. For a Turk or a heathen goes so far; does his work for the very same ends. But a Christian may go abundantly farther: his end in all his labour is, to please God; to do not his own will, but the will of him that sent him into the world; for this very purpose, to do the will of God on earth, as angels do in heaven.[5]

[5] Herbert Welch, comp., *Selections from the Writings of John Wesley* (New York: Methodist Book Concern, 1918), pp. 97-98.

Christian Virtues

The Doctrine of the Calling was revived in Methodist teachings. It will be worthwhile, too, to go over those virtues that Wesley accounted worthy of a Christian:

> . . . Do you love, honour, and obey your father and mother, and help them to the utmost of your power? Do you honour and obey all in authority? all you governors, spiritual pastors, and masters? Do you behave lowly and reverently to all your betters? Do you hurt nobody, by word or deed? Are you true and just in all your dealings? Do you take care to pay whatever you owe? Do you feel no malice, or envy, or revenge, no hatred or bitterness to any man? . . . Do you speak the truth from your heart to all men, and that in tenderness and love? . . . Do you keep your body in sobriety, temperance, and chastity, as knowing it is the temple of the Holy Ghost. . . ? Have you learned, in every state wherein you are, therewith to be content? Do you labour to get your own living, abhorring idleness as you abhor hell-fire? The devil tempts other men; but an idle man tempts the devil. An idle man's brain is the devil's shop, where he is continually working mischief. Are you not slothful in business? Whatever your hand finds to do, do you do it with your might? And do you do all as unto the Lord, as a sacrifice unto God, acceptable in Christ Jesus?[6]

[6] *Ibid.*, pp. 308-09.

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The teachings of Wesley and others like him, says one historian, brought solace to those poor huddled in their misery in new factory towns in the late eighteenth century and eventually "helped to make them the deeply religious and self-respecting people which the lower middle class of factory workers and shopkeepers of the manufacturing areas had become by the nineteenth century."[7]

John Wesley was an ordained Anglican clergyman and remained one throughout his life. He professed much love and veneration for the "mother church." Yet after his death the Methodists became a separate denomination. Even so, the impact upon the Anglican church remained great. By the late eighteenth century there were many of an evangelical temperament within the established church, and they taught doctrines similar to those of Wesley. As one writer puts it, "Like the Methodists, the evangelicals within the Church of England were firm supporters of the social order. Reformation of manners, not reformation of social evils, was their main concern; and to most of them righteousness and radicalism seemed to go ill together."[8]

[7] Williams, *op cit.*, p. 97.

[8] Derek Jarrett, *Britain: 1688-1815* (New York: St. Martin's Press, 1965), pp. 358-59.

Another historian says of the impact of the evangelicals within the Church of England, "Although this movement had passed its climax in 1815, it still represented the most active section of the church. The leaders set a pattern of strict and pious life. . . . They maintained a serious and unselfish attitude towards public affairs. They used their wealth conscientiously, and, on the whole, to good and noble purpose."[9]

Victorian Morality

In the first half of the nineteenth century, the evangelical denominations grew greatly in numbers and influence. "The number of Congregationalist chapels increased three and a half times between 1801 and 1851; the number of Baptist meeting places multiplied fourfold; and the number of Methodist halls multiplied more than fourteen times during these years. . . . Revival meetings on the American model were popular among many nonconformists, and the evangelically minded 'Low Church' remained a prominent facet of Anglicanism."[10] A religious census in 1851 indicated

[9] Llewellyn Woodward, *The Age of Reform* (London: Oxford University Press, 1962, 2nd ed.), p. 504.

[10] Walter L. Arnstein, *Britain: Yesterday and Today* (Boston: D. C. Heath, 1966), p. 80.

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that of approximately 18 million people some 7 million were regular churchgoers.

The influence of the evangelical Protestant ethic reached its peak in the nineteenth century. It eventuated in the dominance of what has been termed Victorian morality. One historian describes Victorian morality "as a set of ideals about efficiency and thrift, seriousness of character, respectability, and self-help. . . . The maxim 'honesty is the best policy' was to serve not merely as a slogan but as an accepted and demonstrable truth. . . . Bankruptcy was regarded not merely as a financial but as a moral disgrace. Morality in government was given similar, perhaps even greater stress. . . ."[11]

Bible-reading in the Home, Sermonizing in the Church

By truncating a sentence by G. M. Young, historian of the Victorian Age, the relation of evangelicalism to this morality can be stated: "Victorian history is the story of the English mind employing the energy imparted by Evangelical conviction. . . ."[12] He says that "Evangelicalism had imposed on society, even on classes which were indifferent to its religious basis and unaffected by its economic appeal, its code of Sabbath observance, responsibility, and philanthropy; of discipline in the home, regularity in affairs; it had created a most effective technique of agitation. . . ."[13] Or again, "To be serious, to redeem the time, to abstain from gambling, to remember the Sabbath day to keep it holy, to limit the gratification of the senses to the pleasures of a table lawfully earned and the embraces of a wife lawfully wedded. . . ."[14] The testimony of yet another historian will drive the point home:

> No interpretation of mid-Victorianism would be sound which did not place religious faith and observance in the very centre of the picture. The most generally accepted and practised form of Christianity at the time was that which may be broadly called evangelicalism, with its emphasis upon moral conduct as the test of the good Christian. . . . Its basis was biblical. Bible-reading in the home was as popular as sermonizing in church. Its highest virtue was self-improvement. Its emphasis lay not on sacraments or ritual, but on organized prayer and preaching, and on the strict observance of Sunday. . . .[15]

[11] *Ibid.*, p. 77.

[12] G. M. Young, *Victorian England: Portrait of an Age* (London: Oxford University Press, 1936), p. 5.

[13] *Ibid.*, p. 5.

[14] *Ibid.*, p. 2.

[15] David Thomson, *England in the Nineteenth Century* (Baltimore: Penguin Books, 1950), p. 107.

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The moral base for the rise and greatness of England, then, was to be found mainly in a Christianity as it was interpreted and exemplified by evangelical Protestants. Men did not, of course, profess Christianity that England might be great or even, ideally, that they might be successful as individuals in acquiring worldly goods. Protestant Christianity spoke its message to the individual soul in its yearning toward God and eternity. If they did put spiritual things first, they were told, then they might have earthly goods in plenty. We cannot know, of course, how far and to what extent men did indeed put spiritual things first. What we can be certain of is that they had imbibed an outlook toward this world and were taught a morality which did make for material success and greatness.

The Freeing of Human Energy

The energies of Englishmen set free by liberty were controlled and directed toward positive accomplishment by an ethos which held that any lawful undertaking, be it ever so humble, was a calling of God to a Christian engaged in it. The way in which he performed his work would be a sign of his election and the state of his soul. Careful workmanship, diligence in labor, charitable benevolence, respect for other men in what was theirs was deeply ingrained in this outlook. In a sense, this outlook did make of all of life and every undertaking a kind of spiritual exercise, and of the whole world a monastery. To put it another way, all legitimate human effort was pervaded with spiritual overtones and meaning. Even that part of life that has to do with material things, their production, acquisition, and disposal was given spiritual import. Not because of the importance of material things but because of the transcendent importance of the immortal soul which was engaged with them for a little while, and in the manner of its engagement showed forth its faith.

The drive which carried the English to their peak of achievement, then, had a profound basis. The morality by which they were constrained in the conduct of their affairs was equally deeply based. From about the middle of the eighteenth century onward the English began their surge to greatness. The base from which they moved has now been explored. ◈

The next article in this series will pertain to "The Industrial Surge."

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WHERE BURGLARS GET BETTER BREAK THAN BUSINESSMEN

LOWELL B. MASON

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MILLIONS of law-abiding businessmen are now subject to treatment the U. S. Supreme Court has ruled unlawful when applied to common criminals.

The courts, cheered on by liberals everywhere, have moved dramatically and forcefully in recent years to safeguard individual rights. But the plight of the businessman in his relations with Federal administrative agencies, which regulate most of interstate commerce in America, has been overlooked.

Supreme Court decisions hold that police and prosecutors are not allowed to put defendants to inquisition. The accused also must be advised that they need not confess and that counsel will be provided for them if they want it.

Many other provisions long have been part and parcel of what is generally referred to as due process – such as:

- All men are presumed innocent until proven guilty by a greater weight of the evidence.
- The officer who prosecutes a case cannot be the same man who sits in judgment nor can he impose the punishment, if any.

There is no doubt that the recent Supreme Court interpretations of our Bill of Rights incline many thoughtful citizens to the growing opinion that the rights of law-abiding citizens have been subordinated to those of criminals.

All of this criticism could be avoided if the Supreme Court treated burglars the same way it treats the American businessman. Most of the safeguards to overly speedy justice are avoided when dealing with businessmen charged with violating Federal laws regulating interstate commerce.

Why should burglars and other criminals, who pay no taxes on their estimated $40 billion annual take, get better treatment than businessmen who are the government's main source of income?

Why should the many businessmen who come under the jurisdiction of administrative law accept the special strictures this law applies exclusively to them?

Certainly they do, with considerable docility.

A successful businessman follows established rules of conduct. He pays his bills, honors his contracts, and obeys the law whether he likes its provisions or not, else

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he soon finds himself outside the pale. He accepts the fact that for over a half century the established role of administrative law allows the score of Federal regulatory agencies which prosecute him to judge him also.

This may disturb him at first, but he is somewhat reassured when he goes to trial to hear the prosecutors refer to themselves as a quasi-judicial court. It seems to him he is in front of a court. It has all the appearances of one.

The commissioners of Federal regulatory agencies sit on a high bench just like judges. Everybody arises when they enter the room. Witnesses are sworn; decorum and dignity are the order of the day. But the businessman will find out there is a great difference between the quasi-judicial treatment he gets and the real judicial treatment accorded a burglar.

Burglars Get Better Break

To illustrate, take two cases: One involving a businessman and one a burglar. Assume both are guilty or assume both are not guilty. We are not concerned with what they did, but with how and why two widely divergent methods are used in dealing with these two suspects. There is a tender set of laws for burglars and a tough set for businessmen.

In other words, the government practices what it does not preach. It practices discrimination. And in this case, it is against the majority — not the minority. We hear much these days about de facto discrimination — favoritism not recognized by law, but nevertheless practiced. The discrimination against businessmen is not only *de facto,* it is also *de jure.* It is recognized and enforced by law.

For businessmen there is no freedom from inquisition, a presumption of innocence until they are proved guilty by a preponderance of evidence, a trial before an impartial judge and a jury.

If a burglar got the same treatment the businessman gets, his house could be searched regularly. The function of prosecutor, judge, and jury could be consolidated in the hands of one agency.

The commissioners of some Federal agencies, who devote their efforts to rooting out bad commercial practices, believe they have become so expert that when a businessman comes to trial before them, it is not necessary to waste time proving his guilt by a greater weight of the evidence. The commissioners, having originally prepared the charges against him, apparently instinctively sense whether or not the man is guilty. All that the administrative law requires is for them to put some evidence in the record or, if there

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is no evidence, at least some inferences upon which guilt may rest, and the Supreme Court will not interfere with their judgment.

FTC in Action

Let me give an actual case which was tried when I sat on the Federal Trade Commission.

There was a businessman whom the commissioners suspected was injuring some of his customers by giving quantity discounts to others. So a complaint was filed against him. At his trial, testimony was sought from those who were injured. FTC personnel traveled all over the United States and couldn't get a single customer to say he was injured.

If the agency had been ordinary prosecutors and had to try that case before a judge and jury, it would have lost. But being quasi-judicial, FTC just inferred the customers were injured, and found the man guilty right away. He was mad, of course, and appealed our decision. But when a quasi-judicial commission says a man is hurt – he is hurt.

This conclusion the Supreme Court heartily approved on the grounds that either all the witnesses were too dumb to know they were hurt or were not smart enough to object—and besides, why should the court question the judgment of a bunch of experts like Federal Trade Commissioners?

I've always been proud of my decision in the case. I voted against the order.

FTC expertise has reached such occult dimensions that even if the defendant had done no wrong at the time we sued him, if we predicted his acts might develop evils later on, we issued an order against him anyway.

Just think of all the robberies and murders that could be prevented if a combination policeman-prosecutor-judge were endowed by statute with the same wisdom and authority. Then they could lock up everybody who had "the tendency and capacity" to do evil.

But these plenary powers apply only against businessmen. If a witness is not a businessman but a communist, and his organization is on trial before another quasi-judicial court (the Subversive Activities Control Board), the statute strictly forbids a finding of guilt unless there is a preponderance of evidence to support it.

Legal Counsel Barred

One Supreme Court decision points out that, under the authority of an Ohio statute, a businessman being questioned regarding incidents damaging to the economy in a general administrative inquiry is not even allowed to have his lawyer present.

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If this businessman had been accused of a criminal act, an arresting officer would have to caution: "You don't have to say anything or answer any of my questions if you don't want to. We'll let you have a phone so you can call your lawyer or a friend or relative. If you can't afford a lawyer, one will be furnished to you if you want one."

And what about inquisition in America?

Federal agencies that regulate businessmen have power to require them to file answers to specific questions, as to their work, business, conduct, and practices.

They have far more power than the courts possess. These Federal policemen can not only investigate, but even snoop and harass.

Here's what the Supreme Court said about them in the Morton Salt Co. case:

> "It [the Federal agency] has a power of inquisition, if one chooses to call it that, which is not derived from the judicial function. . . .
>
> Even if one were to regard the request for information in this case as caused by nothing more than official curiosity, nevertheless, law enforcing agencies have a legitimate right to satisfy themselves that corporate behavior is consistent with the law and the public interest.

"Official curiosity" can cover a lot of territory.

And if conducted by a state official or anyone he designates to do the job, an investigation may be in secret. All friends, relatives, and defendant's attorneys are strictly excluded, for as the five to four majority of the Supreme Court said: Advisers to a witness might encumber the "proceeding so as to make it unworkable or unwieldy," and "the presence of lawyers is deemed not conductive to the economical and thorough ascertainment of the facts."

As students of history remember, there was an alarming rise in the French crime rate before the French Revolution, just as there is here in America today. M. Seguier, a chief prosecutor under Louis XVI, demanded many of the same shortcuts to speedy convictions that are being urged today. He got them. Later on the same sort of instant justice was gleefully applied to send Louis and his cohorts to the guillotine.

Will Court Relent?

But does history have to repeat itself?

While, I predict, we'll never treat burglars as badly as we do businessmen, what are the chances of government treating businessmen as politely as it does burglars?

I'm not too optimistic about this, though recent decisions indicate the Supreme Court is get-

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ting fed up with wearing two faces – one for burglars – one for businessmen.

Here's what these decisions were all about.

Everybody knows a burglar's home has always been his castle. If government agents wanted to break in and look under his bed, they first got a warrant to do so. This was because the Constitution says anyone suspected of burglary can't be forced to convict himself.

But ordinary citizens?

They weren't suspected of anything, so it was all right for agents to wander through their bedrooms, parlors, and baths without messing around with warrants. All the agent had to do was bang on the door and yell, "Hey, you! Lemme in!"

Now the Supreme Court says, "No more discrimination. When it comes to a man's home – treat him just as nice as you do burglars."

But one swallow doesn't make a summer.

What about the other judicial discriminations against the business community? What about inquisition? What about quasi-judicial officials prosecuting their own cases, then sitting in judgment on their own prosecutions?

Sixty years of legal custom have sanctified it.

For 11 of those years, as a Federal Trade Commissioner, my colleagues and I investigated thousands of charges against businessmen. When we determined there was "reason to believe" the laws of the marketplace were violated, we filed complaints against them.

Then hastily donning our judge's robes behind the bench (figuratively speaking) we solemnly marched into our courtroom. Seating ourselves on our high bench and looking benignly down on the hapless culprits, we would say, "Now tell us what this case is all about."

Some bureaucrats (who would have been glad to see me off the Commission) thought I should resign in protest against this direct repudiation of the American concept of separation of powers. Ridiculous – I had no truck with officials who resigned in protest as long as there was any chance to make known their beliefs.

Thanks to President Truman, I had this chance. My dissents, during these 11 years, brought more fruit to freedom than if I had sulked outside the tent.

There's still a long road to travel. But while there's life, there's hope.

Who knows?

Maybe some day government will treat businessmen with the same consideration it gives burglars. ◈

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Where in the World?

RALPH BRADFORD

WHERE IN THE WORLD would I rather live, than in the United States of America? This is a question that I have been asking myself rather frequently of late; and I always come up with the same answer: *Nowhere!*

I have asked it also of a good many much-traveled friends who are of conservative persuasion, like me; and after an initial startled look that fades fast into thoughtfulness, they invariably give me the same reply: Nowhere.

There is something significant in this, for the world has many beautiful and interesting places. It has been my own privilege in the past dozen years or so to visit 42 countries of this wobbly world, some of them several times. Nearly all offered features that I liked: the people, the climate, the scenery, the music, the language, the food – something good. There is hardly a land I have visited that does not occupy a warm corner in my memory. I think of them often.

England – vast, noisy London, the smoky midlands, the lovely lakes, the fine people. Scotland – the ruined abbeys, the Trossachs, and especially the Castle glooming over the reeking chimney pots of "Edinbur-r-ry" in a misty twilight. Italy – not the highly organized Tourist Trap, but the rugged home of a fascinating people. Greece . . . palimpsest of the ages. Thailand, country of fabricated, fragile beauty. Argentina, southern twin of the United States. Chile, the Italy of the New World. – You name it, and I'll love it . . . for some fondly remembered thing: a white cone of mountain rising from a misty lake – like

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Osorno . . . or Fuji; a sea-pierced gorge, like the Kotar Gulf of Yugoslavia; the mighty gash of the Corinth Canal; a glimpse of the Corcovado Christ looming through the clouds high over Rio; a fisherman's dinner beside the Tagus in Lisbon; a surprising bit of wine, like the Tsara of Baalbek or the resin-flavored Retsin of Argolis; or maybe a simple act of human kindness – as when the young Scotch woman who shared our compartment south to Keswick, seeing that we were much burdened with baggage and no porters at hand, left her baby on the seat and came trudging down the corridor after us, lugging one of our heavy bags!

Yes, always there is some good or beautiful or gracious thing to remember. Always, or nearly always, I would like to go back.

But to *live*? Which country would I choose above my own? And the answer is: none. Literally, none. Partly, I suppose, this is due to the love, the accustomed-to-your-face feeling that we all have for our native place. We are somewhat like O. Henry's Cosmopolite, who was largely and magnificently tolerant of the whole world – until somebody happened to disparage the two-by-four village in which he had lived as a boy.

But aside from such geographic preferences and nostalgic prejudices (I ask myself, and of late I ask my friends) – aside from all that, think it over carefully, and say which country you would prefer to the United States as a place in which to live. I have yet to find an American who said he would choose to live elsewhere. I know there are such, expatriates by choice, for one reason or another that seems good to them – but I have never met them.

A Disturbing Trend

The occasion for these musings is this: For a good many years I have been concerned with the direction my country is going. Like many other Americans, I have been opposed on principle to the idea of a deficit economy, not because I worry about an occasional year in the red (which is ordinary experience in business and even in private, domestic life) but because I have seen the devastation that can be wrought by an extended application of the fatuous spend-borrow-and-never-pay aberration. It is easy to list a number of modern nations whose middle class – the saving and investing element that provides much of the capital for industrial and other development – has been sold into loss and bankruptcy by that fatal philosophy. When I see my nation headed the same way, I protest, I

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cry out, I argue—I even denounce. I get all hot under the collar! And so do a lot of other people who share my conservative views on the philosophical, as well as the fiscal, need for solvency in our national affairs. And we get all the hotter when left-wing devotees of progress-through-inflation accuse us of being "concerned only with money"—as though we had neither fiscal sense, political wisdom, nor social vision!

As a result, we become easy targets for the scornful shafts of the disciples of debt, compulsion, and superstatism, who call themselves "liberals." They accuse us of wanting a "static" economy, of looking backward, and especially of being always against things, never for anything. All this, of course, is a lot of nonsense. We have a positive, not a negative, program. We are *for* a number of things that are fundamental to the long-term welfare and safety of all the people. We want the economy to be active and healthy; we want production and employment; we want everybody to earn and save and invest and enjoy security and comfort. We want the American dream, as expressed in the American Constitution, to be fully realized in the prosperity, the freedom, and the progress of the American people. We believe that the Constitution provides both the safeguards and the opportunities for such progress; but if, in our developing society, conditions arise that were not foreseeable when the Constitution was written, then we want the Constitution amended by the process provided, and not nullified by bureaucratic manipulation or set aside by judicial dictate.

The Need for Law and Order

We believe that when Congress was empowered to coin money and "regulate the value thereof," it was intended that the value of that money should be protected and maintained, and not diminished or destroyed, and that it is the present duty of Congress to thwart, rather than aid and abet, those policies and persons that are systematically undermining the strength of our currency, and thereby lessening the security of our people.

We believe that "law and order" is something more than a phrase. Life and liberty can be realized and protected only in a society that has adopted rules for its conduct, and for the conduct of the people who are members of that society and live under its form of government. We are not interested in punishment or retribution as ends in themselves. We are content, indeed, we desire, that justice shall be tempered with mercy

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– a humane concept that is pretty well guaranteed by our jury system. Few indeed are those who look upon law enforcement as a mere matter of vengeance. But no society can long continue unless its laws *are* enforced; the alternative is anarchy and the destruction of social and political values that have been the foundation of that society. Therefore, when we see the laws openly disobeyed in the name of "protest"; when zealots for this or that cause announce that they will determine for themselves which laws they will obey and which ones they will flout; when we see riot, arson, and murder condoned and even defended by high officials of our government, we are appalled, we are angered – and we are frightened.

When we read that a Justice of the Supreme Court, attending a procommunist conference, compared the Bolshevik revolution of 1917 with the American Revolution of 1776 and advocated "forceful revolution" as the only way to correct the "intolerable conditions" under which he said 85 per cent of the world's people live – when we read such things we are outraged – and again, we are frightened. When we read that the High Court, in decision after decision, seems to show greater concern for the legal rights of admitted criminals than it does for the rights of their victims; when we see the Attorney General of the United States, our highest law enforcement officer, go on national television to let the world of riot and arson know that he favors a "soft line" in dealing with their depredations – then, however much we may favor and support the human and civil rights which the rioters are pretending to espouse, we begin to ask ourselves what is ultimately going to happen when the law is so weakly regarded and so feebly enforced by those who are hired and paid and sworn to defend it?

Evil Must Be Opposed

When year after year goes by with no effective action on the part of government officials to bring expenditures into balance with receipts; when there is a constant proliferation of the Federal bureaucracy, always at the expense and seldom to the benefit or service of the taxpayer; when we see the idea of compulsion becoming more and more the main reliance (in everything but law enforcement, that is) of the controlling political methodology; when we learn to our dismay that nearly 48,000,000 people are now the recipients of regular monthly checks from the state and national governments – confronted with all this, what choice have we but to

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be negative? How can we avoid being "against" such things?

What we are *for* is a great and growing and free society in which every citizen shall have opportunity for the highest degree that he can attain of comfort and security. What we are *against* are the policies and projects and practices that weaken, that jeopardize, and that may destroy that society. And since such destructive policies are being constantly advanced and cleverly promoted, it follows that there is a lot to be against.

And we owe nobody an apology for being "against" such things. Indeed, the outcry that conservatives are always against and never for things is a rather slick device of the radical Left. Unfortunately, many conservatives have let themselves be bamboozled by it. They, too, often say, "Yes – that's a very bad thing – but we can't say so. We mustn't be negative!" To be negative has come to be a kind of public relations sin. It sounds better to be "for" things; it seems positive and affirmative – and these, in current semantics, are "good" words. By an extension of this never-be-negative logic, if you were to learn that I planned to burglarize your house, you shouldn't do anything so negative as to notify the police and get me into the clutches of the law. Dear me, no – that would mean you were *against* something! It would be negative! Your proper procedure would be either to keep still, or else to offer a positive alternate suggestion – such as that I should rob your neighbor's house, instead. Or better yet, that I should rob a bank, which might help in effecting a much-needed redistribution of the money which the bank had (no doubt, wickedly) amassed!

Reviewing the Ideal

So much for a few of the things we are against. So much for the central vision that we are for. And so much, in brief and perhaps inadequate declaration, for the reasons that impel us to our faith, and to our espousal of what we believe are the necessary conditions for freedom and progress.

But there is a danger in such advocacy. We hear much these days of alienation, the scholar's term for a sense of rejection, of not belonging. We, too, we who warn of danger, are threatened with a kind of alienation – of separation from the dream, from the political and socio-economic structure, that is our nation! When we see so much that may injure, and that is injuring, that nation, so much that we know is wrong and dangerous, we are apt, all unconsciously and without intent, to make a fatal substitution – the

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thing contained for the container; the bad policies *about* our country for the country itself. "They" are doing so many things that are economically dangerous and morally indefensible that in our complete withdrawal from them we are in danger of separating ourselves, imaginatively, from the physical territory, the political government, the economic structure and the social concept that is the United States of America. And this would be suicidal – for us, I mean; for it would convert us into emotionally stateless persons; and without the spur of patriotism –though it is no longer fashionable, and in some quarters is considered bad taste to use the word – without its stimulus our lives, and especially our efforts to preserve freedom, would have little purpose.

After all, why do we concern ourselves over inflation, or crime, or injustice, or bureaucracy rampant, or the trend toward compulsion and the lessening of freedom? Is it because we love liberty? Yes, of course – but it is also *because we love our country!* Oh, we are no longer mere jingoistic patriots. We are capable of self-analysis and self-criticism. We do not think our country has always been flawless. Our statesmen have made grave blunders. Our policies have often been unwise. We have been, on the whole, a somewhat violent people. In common with other industrial nations, we went through our period of exploitation. We know all that. But we know, too, that our transgressions have been no worse than those of contemporary nations. Like most of them, the American people and the American State were the product of the seventeenth and eighteenth centuries, with all that this implies in the way of nobility – and venality. We can lay the record of our country alongside that of any other great power, confident that we shall come off well in the comparison. If this is not a basis for pride, neither is it an occasion for shame; and our current critics in England, France, and Germany, not to mention Sweden and Switzerland, may please take notice.

So Much to Approve

But at the mere suggestion of our "alienation" from the United States, theoretical speculation abruptly ceases and we face facts: One, we are inseparable from the United States, physically and emotionally. Two, we wouldn't live elsewhere if we could. Three, squirm and wriggle as we may over admitting to emotionalism, we *love* our country! And we love it, aside from habit and the compulsion of instinctive filial devotion, because it is still, despite all

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we have done to stifle initiative, the land of opportunity. With all the ridiculous and hampering restrictions we have placed in the way of individual growth and development, it is still the land of the free.

The picture of America, as presented to the world and to us Americans, by the press, television, books, the theater and the movies, has been a sadly distorted one. If you read current best-selling books or look at top-rated movies, you will get the impression of an America of free love, sex deviation, self-indulgence, and violence. If you follow TV news releases you see only violence – mobs, marches, "protests," riots, arson, looting. But these things are not normal. The very fact that they are *not* normal is what, under the code of the newsmen, makes them newsworthy!

The Path to Progress

Consider riots. (And let it be here recorded that the writer of this article is a supporter of the rights of all minorities, and is against discrimination because of race or religion. He is also a long-time advocate of slum elimination, both as a humanitarian measure and a social and economic necessity.) Well, the riots have been bad and bloody. But what is the obverse of their gloomy medallion? On the one hand, you see fire, smashed windows, looted stores, flaming Molotov cocktails, screams of hatred – a grim and ghastly picture. That is the dark side – the side that is flaunted to the world. But in all the cities where racial rioting occurred, not more than a few thousand persons took part. The participating whites, of course, were negligible in relation to the total white population. But what of the Negroes? Surely not more than twenty thousand, all together. A large number of rioters? Yes – but there are *twenty million* Negroes in this country!

There is no doubt that they have a grievance against the American society. They have been discriminated against, mistreated, degraded. This we know, as they do. But they also know that the white-dominated society that has wronged them is making a sincere effort to redress that grievance. And of the 20 million Negroes, despite their frustrations, probably less than one-half of one per cent have taken any part in riots. The others, conscious that America has not been fair to them, realize, nevertheless, that their best hope is with this country. They, too, in spite of all, love it. It is *their* country, too. They want no part of senseless violence. And this is one of the good things about America.

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Over-publicized Hippies

A minor occasion for dissatisfaction with the American scene as currently presented has been the advent of the so-called hippies, and especially the spate of mawkish stuff that has been written about them. Seldom have so few had so much written about them by so many, and rarely have such efforts been made to magnify the minuscule and glamorize the unsavory. They have been portrayed as heralds of a new religious concept, symbols of a divine discontent. Seeing them, and reading about them, one grows a little sick. Is this America? It can't be — and yet this is being hailed as "the hippie generation."

What nonsense! By their own wildest claims, the hippies number not more than 200,000 of all kinds. But the age group — the "generation" — to which they belong numbers over 15,000,000! A thing wrong with America is that even one per cent of our youth are socially maladjusted, or incorrigible, or hooked on drugs — or just plain silly. But the other side of the coin, the thing that is right about America, is that 99 per cent of our young people are *not* that way.

Of course, some of them invite criticism, too. That young people should take a keen and critical interest in the educational institutions they attend is well and good. It is their future that is involved, and their opinions should be heard. But when they follow mob tactics, halt classes that others wish to attend, seize buildings, destroy property — then they have forfeited any right to consideration.

This spring we had the spectacle of Columbia University being forcibly taken over by a small group of illegal entrants. After that act of vandalism, the issues which the students and their friends claimed to represent became irrelevant. They were superseded by a new issue — the maintenance of authority and the observance of the law. If the students had been ten times right, they had no license to become lawbreakers.

The trend toward hooliganism in colleges, very marked in the past year or two, is one of the things that is wrong with America. But here, too, there is a bright side — a right side. It is found in the fact that these student mob actions are nearly always perpetrated by a small, minority group. At the University of Denver (where prompt and courageous action by the school authorities put an end to the attempted seizure) only 40 students were reportedly involved. At Columbia something less than 700

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joined the mobsters, while over 17,000 refused to have anything to do with it. The ratio in the Berkeley insurrection was about the same. The law-abiders, the respecters of authority, far outnumbered the mobsters. There is always more good than bad.

But at this point it may be objected that the great majority should "do something about it." It may be asked, "Why do they allow a handful of their numbers to get away with such outrages?" But what should they do – become lawbreakers themselves, and engage in bloody battle with the offenders? They have a right to assume that the discipline of the school will be asserted and maintained by the school authorities, and that criminal acts will be dealt with by the police. The only way they could rout the lawbreakers would be to become lawbreakers themselves. No – they are correct on both counts, first, in not joining the rioters, and second, in not starting riots of their own to suppress the other rioters.

The Challenge

All these contrasts of what's wrong and what's right with our country present part of the challenge we must face—"we," in terms of this article, being those who, under various names (conservatives, libertarians, constitutionalists, traditionalists) want to advance and protect the interest of the American people by emphasis on solvency, safety, and self-reliance, rather than on debt, economic adventurism, and socialistic intervention.

Our job, while not hesitating to expose the bad, is to offer the positive alternative of proclaiming, and trying to preserve and extend, the good. The miracle of modern times is not only our high levels of production, employment, and earnings, not only our economic and social achievements, but also and primarily the fact that our economy has had the stamina to withstand and survive the handicaps of debt, taxation, and restrictiveness that have been placed upon it in the name of progress. Our power to create, and produce, and distribute, and consume, though shackled needlessly, is of enormous consequence. When this is coupled with widespread academic training and high intelligence, plus the willingness to work, a very tough mechanism for survival is provided. Our job is to teach the possibility of that survival, even against the odds we ourselves, we Americans, have imposed. Our job also is to proclaim and explain the reasons for our great achievements, even as we carry on the battle to remove conditions that are a constant

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long-range brake upon the continuance of those achievements.

And especially we need to hold fast one central conviction that is easily demonstrable – namely, that the United States is incomparably the earth's greatest nation, rich in freedom, opportunity, and accomplishment – and that our aim, our dedication, is to keep it that way!

We do not look backward. We look forward – with apprehension, yes; but also with confidence. We know what great things have been achieved by self-reliant people in the past; and we also know that it is precisely such self-reliant people who are continuing to build a great society here in our America.

There are those who would shackle that society with debt, taxes, inflation, and the restraints of supergovernmentalism. These we must resist with the power of opposing ideas, because they are negative thinkers, with their eyes fixed upon the outmoded statism of the seventeenth century. They are the backward-lookers, who must be taught the lessons of freedom. We must counter their negativism, not with counsels of despair nor the pessimism of doom-saying, but with the aggressive faith of those who are deeply convinced that freedom, given a chance, will work!

And if at times we grow despondent and wonder if the game is worth the candle, we can rekindle the lamp of our belief by asking ourselves. . . .

Where in the world would I rather live than in the United States of America? . . . . .

. . . . and getting the answer: *NOWHERE!* ◈

IDEAS ON LIBERTY

Civil Liberty

THE NOTION of civil liberty which we have inherited is that of *a status created for the individual by laws and institutions, the effect of which is that each man is guaranteed the use of all his own powers exclusively for his own welfare.* It is not at all a matter of elections, or universal suffrage, or democracy.

WILLIAM GRAHAM SUMNER
What Social Classes Owe to Each Other (1883)

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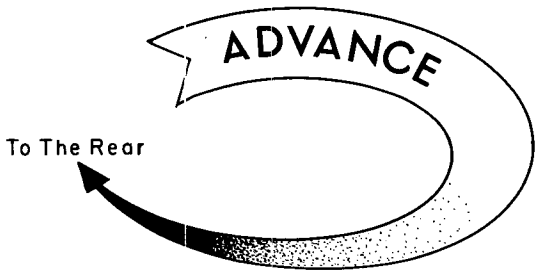

DAVID SKIDMORE

IF THE TITLE of this article seems self-contradictory, it is in keeping with the political and economic language of the times. Such is the present state of semantic confusion that even the most devout atheist would be sorely tempted to accept a literal interpretation of the story of the tower of Babel. The problem may be seen in other areas perhaps, but nowhere with more disastrous results than in the conflict between individualism and collectivism.

Those who advocate varying degrees of collectivism are labeled, in the news media and in everyday speech, as "liberal," "radical," or "progressive," all of which imply eagerness to change. From the labels often applied to the increasingly socialistic trend in our "mixed economy," one might conclude that it is something new and beneficial for freedom lovers everywhere. Alas, such is not the case. The direction in which most of our "social" legislation is carrying us, is not forward, but back. If we attempt to follow the "liberal" road far enough, we shall be attempting to go back to the days of serfdom and outright slavery.

Perhaps it seems unfair to say that the ideals of collectivism are identical to those of slavery. I have drawn this conclusion, however, not from the statements of its opponents, but from those of its supporters.

Consider, for example, the slogan of socialists (and of many "liberals") the world over: "From each according to his ability, and to each according to his need." How would this slogan, as a policy,

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differ from slavery? The fruit of a slave's labor is taken from him according to his ability, as judged by his master, and refusal or failure to produce for the master according to his need (again decided by the master) results in punishment for the slave.

Socialism demands a system of punishments, *but not rewards*, since rewarding effort does not take "from each according to his ability." True, some socialist nations do reward superior production in specific areas, but even these are only sporadic attempts to imitate the "evils" of capitalism. The second part of the slogan, "From each according to his ability and to each according to his need," assumes that the slavery implied in the first part will produce enough to satisfy *all* needs. The periodic famines in the communist countries indicate that this assumption is tragically wrong.

Social legislation is often portrayed as a boon to mankind whereby the means of production are taken from the hands of capitalistic "robber barons" and placed under central control for the good of all. Here again, our language shows signs of serious deterioration. Those advocating centralized control of the means of production are called "progressive" and "liberal," although they recommend, implicitly if not explicitly, a return to the times when people were considered primarily as resources.

What, exactly, are the means of production for human beings? A factory produces, but the building and operation thereof require a process of thought. The operation of a farm, a mine, a fishery, or an oil field requires systematic, rational, intellectual procedures. The basic human means of production, upon which all other human means of production depend, is the mind. The collectivist demand for centralized control of the means of production, is a demand for control of the human mind. The war on private property is in reality an attempt to destroy the distinction between people and property.

Those who advocate individual initiative, the free market, and in general, the radically unconventional notion that Man, the individual, belongs to himself *as* an individual, are labeled – and too often accept the slander – as "reactionary," "anachronistic," or less severely, "conservative." Admittedly, the last epithet is not invariably derogatory, although lately it has come to suggest an idolater of the Status Quo. The others, however, would seem to imply that competitive enterprise is an attempted return to a bygone

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era of "robber barons" which is better forgotten.

The opposite is true. Competitive enterprise or capitalism is the one economic system which is *not* dominated by coercion or beggary, but by *voluntary* production and *voluntary exchange*. The element of choice which distinguishes a free society from an unfree one is an individual phenomenon rather than a collective one; a slave by majority rule is still a slave, and no less so because slaves may constitute a majority. The distinguishing characteristics of capitalism are free trade and its prerequisite, private property.

Although there are various ways by which you or I can take advantage of the efforts of another, they all fall into one of two categories; we can gain at his expense, or we can gain, but not at his expense. Obviously, if we rob or defraud him, our gain is his loss. Likewise, if we beg from him, our gain is his loss, even though it is voluntarily accepted. Only if we *trade* is our gain also his gain. Trade, however, must be voluntary; when forced, it becomes just another form of robbery.

Competitive enterprise is based upon free trade, and is therefore the one economic system which *does not require victims. This,* the self-named "liberals" would have us believe, is an attempted return to a cruel, tyrannical past. I submit that the "wave of the future," if freedom is to have a future, is capitalism. ◈

IDEAS ON LIBERTY

Conflicting Policies

POLICIES of interventionism and socialism tend to immobilize the population and capital of the world, thus bringing about or maintaining the world divergencies of productivity, of wealth and income. A government that nationalizes efficient industries producing for the world market and then mismanages them not only hurts the interests of its own people but also those of other nations living in a world community.

These international conflicts are inherent in the system of interventionism and socialism and cannot be solved unless the systems themselves are abolished. The principles of national welfare as conceived by our progressive planners conflict with the principles of international cooperation and division of production.

HANS F. SENNHOLZ, *How Can Europe Survive?*

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Separation of Powers and the Labor Act

II. "EXPERTISE," SEPARATION OF POWERS, and DUE PROCESS

SYLVESTER PETRO

IT IS sometimes said that, whatever their constitutional defects, quasi-judicial administrative tribunals are vital to good government because of the complexities of the modern world. One used to hear, too, that such tribunals are necessary in order to get speedy justice and broad-minded, flexible, sophisticated decisions. Lately, with the NLRB and other administrative agencies demonstrating a truly remarkable talent for delay and for hide-bound mechanical decisions,[36] one does not hear the latter encomium of administrative agencies so much. But "expertise," one still hears, is as necessary in government as it is in the other vital aspects of advanced, intricate, delicately interdependent contemporary society.

According to this view it is unrealistic and "reactionary" to expect the regular courts either to possess, to develop, or consistently to exercise the requisite expertise in so specialized and complicated a field as, for example, labor relations. There, a tribunal manned by experts is needed. One does not ask a general handyman to build or repair a computer. In the same way, a judge of general jurisdiction cannot be expected to perform well in the complex, specialized

[36] For footnotes, see page 506.

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area of labor relations. There, a specialized expert tribunal such as the National Labor Relations Board must do the job.

It will be observed that this rationale is built around two assumptions: (1) that labor relations are a distinct, inordinately complex field; (2) that a specially qualified agency is thus required to administer them.

It is true that the employer-employee relationship is distinct from such other relationships as husband-wife, parent-child, buyer-seller, contractor-subcontractor, government-person, and teacher-student. It is not self-evident, however, that the employer-employee (or union-employee or union-employer) relationship is either more sensitive, more complicated, or more critically a matter of public interest than those and other human relationships. Society is a sensitive complex of human relationships; all human relationships are relatively subtle and complicated. It is not possible to maintain *a priori* that labor relations are more so. Such an assertion has to be *proved*. No one has ever done so – probably because it would be impossible to do so.

Complexity Requires Freedom

Even if it were conceded for the sake of argument that labor relations are exceptionally sensitive and complex, it would not follow that – the nation's *fundamental* policies being what they are – a specialized agency of government is necessary. The fundamental policies of this nation call for the administration of labor *relations* mainly by employers and employees and, to some small degree, by trade unions and arbitrators. The more complex relationships become, indeed, the more necessary does it become to leave to individuals the freedom to adjust their own relationships. The effect of thoroughgoing regulation of complex relationships is only frustration for both the regulating body and the persons regulated. Regulating an infant is relatively easy; the child grows more difficult; the teenager almost impossible – all because the relationships have grown more complex. It is the nature and supreme advantage of a free society, as distinct from a command or totalitarian society, to leave the *conduct* of all human relations essentially to the persons immediately involved, or to their agents, subject only to general rules, equally applied.

Congress has followed this policy in the Labor Act. It has never empowered the Labor Board to administer labor *relations* (although that agency has frequently had to be reminded by the Supreme Court, by the U.S. Courts

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of Appeals, and by Congress of the limited reach of its commission). Congress has empowered the Labor Board and its General Counsel to administer the *National Labor Relations Act*, not the *labor relations* of the country.

No Need for Monopoly

The General Counsel's functions are mainly to decide which charges should be prosecuted and then to prosecute them. The functions of the Labor Board and its subordinates are (1) to conduct hearings; (2) to interpret and draw conclusions from written and oral evidence; (3) to apply Congress' law to the facts found in accordance with congressional intent; and (4) to issue appropriate orders.

No one has ever advanced a convincing reason for giving a prosecutional monopoly to a lawyer entitled "General Counsel of the National Labor Relations Board" as against vesting this power, say, in the Department of Justice. Moreover, no one has explained why either policy or justice in labor law is served by denying private parties – employees, employers, or union officials – the power to prosecute their own cases which private parties are accorded under the antitrust laws. No one has even attempted to justify this – again probably because it would be impossible to do so.

On the contrary, the General Counsel's prosecutional monopoly works against both policy and justice. Denying persons the right to a day in court more markedly denies justice than does a denial of due process. It is a denial of all process. This denial cannot be justified on "policy grounds," either, for its effect has been and must continue to be to inhibit and frustrate the development of labor law.

As matters now stand, only such developments occur as the General Counsel wishes; dozens of decisions could be cited to the effect that there is no appeal from a refusal by the General Counsel to issue a complaint. Without in any way impugning the good faith of the General Counsel, it remains self-evident that he and his limited personnel cannot possibly equal the range, the vigor, and the litigational fertility of the nation at large. Even if it be conceded – as I do, at least for the sake of argument – that the General Counsel's staff includes lawyers as learned and as clever as those in private practice, the fact remains that the latter are more numerous and more zealous to serve their clients. The General Counsel's prosecutional monopoly should obviously be withdrawn.

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Expertise in What?

If it is difficult to understand why the General Counsel should have a prosecutional monopoly, it is at least equally unobvious that human beings who become members of the National Labor Relations Board are more qualified to perform the judicial functions which Congress created in the National Labor Relations Act than are the men who occupy the Federal bench. Conducting hearings, ruling on sufficiency of complaints and answers, admitting or excluding evidence, evaluating testimony, interpreting documents, drawing inferences, arriving at conclusions of fact and of law, fashioning appropriate orders — these are all activities requiring a certain level of competence, training, and experience. The "man in the street" is not likely to carry out these functions very well without special training and experience.

The question, however, is not whether the NLRB is more qualified than the man in the street to carry out these functions. For the purposes of this investigation into the separation of powers, the main question must be whether Congress has a reasonable basis for delegating judicial powers to an administrative agency, rather than to the judges of the Federal bench. Admitting that "expertise" is a good thing, we must then ask: expertise in *what*? If it is expertise in legal administration — in the arts and skills of *judging* — prima facie, at least, one would think that career-judges are the true experts.

In a period when principled analysis counted for more than it does in these "pragmatic" days, it would have been enough to point out that the members of the National Labor Relations Board are appointed for limited terms of office. That fact would alone serve to disqualify them for the exercise of any part, however small, of the judicial power of the United States. For the Constitution insists that the judicial power of the United States be exercised only by men appointed to the Federal bench for life.

The times being what they are, the analysis must extend beyond and behind the Constitutional standard, even though in doing so it will only confirm the acuteness and the wisdom of that standard. Two integrated inquiries suggest themselves: (1) Are Board members and their subordinates better qualified than Federal judges to carry out the judicial functions created by the Labor Act? (2) Are the Congressional policies embodied in the Labor Act likely to be accepted with better grace and more faithfully effectuated by the

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Labor Board or by the Federal courts?

The Judicial Temperament

No extensive "empirical research" is necessary in order to establish that the Labor Board members and their subordinates begin their careers with no significant training or experiential advantage over the men who are appointed to the Federal bench. As a matter of fact, the only *relevant* specialist training for the functions under consideration is *legal* training. *All* Federal judges nowadays, so far as I have been able to discover, are legally trained. Most Labor Board members and personnel have likewise had legal training, although some have not. There is a stand-off here, and I doubt whether it could be resolved by reviewing the law-school records compiled by the judges and the Board people respectively.

As far as experience is concerned, it is quite probable that Labor Board personnel, if only for being younger on the whole, have had less general experience at the beginning of their Board careers than the Federal judges (who come mainly to office after years of practice) have had in the beginning of their judicial careers. On the other hand, Labor Board personnel, since their efforts are confined to the labor law field, tend to build a concentrated and extensive experience in *labor law* much more quickly than the Federal judges are ever likely to acquire.

Careless thinking might lead one to conclude from the foregoing that the Labor Board people soon *acquire* a significant advantage, even if they do not begin with one. More careful consideration leads to a different conclusion, however.

Of course, a person specializing in labor law is likely to know more about *that subject* than the person who does not specialize in it. No court of general jurisdiction will ever be able to match a specialized court in the mastery of the minute detail of the substantive law in which the latter specializes.

It is a serious mistake, however, to regard this as a significant point. What we desire primarily in judges is not exhaustive mastery of the substantive details of any particular field of law. It is the job of the opposing lawyers to bring all the relevant law and doctrine to the court's attention.

A solid grasp of basic principles of law in the various fields is more than enough such equipment for any judge. What a democratic society wants essentially from its judges, however, is a complex of

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other qualities. It requires what is perhaps best comprehended within the term "judicial temperament": a strong but open mind; a habit of reserving judgment till all the facts are in and disinterestedly evaluated; a willingness to listen – really *listen* – to argument; patience; respect for the opinions of other judges; a good logical mind which will adequately distinguish the relevant from the irrelevant facts and the cogent from the illogical arguments; an inclination to start out every case believing that the facts, the law, and the arguments – not the identity of the parties – should determine the decision. There is no basis for the belief that NLRB members, trial examiners, or other Board personnel rank higher than the Federal judges on this all-important standard of judicial temperament. Quite the contrary.

In a *representative government*, there is one more supremely desirable judicial quality. If representative government is to function properly, the judges must be satisfied to leave the policy-making to the legislature; they must be committed to interpreting and applying the statutes which the legislature has passed, not to competing with the legislature as a lawmaking, policy-making organ of government. For neither judges nor administrators can ever represent the nation and its people in the way that Senators and members of the House of Representatives do. It is physically impossible for judges and administrators to constitute themselves the deliberative and consultative microcosm of the nation which the House and the Senate do without even thinking about it.

Leave Policy to Congress

When judicial officers take on a legislative role, they make a mess all around. They produce neither good legislation nor good decisions. Litigation, the courtroom, and the judicial opinion are functionally neither adapted nor adaptable to either gathering the sense of the whole community or expressing it in legislative form. On the other hand, litigation, the courtroom, and the judicial opinion are the best means thus far devised for applying established law and policy to the facts of the individual dispute which every case or controversy involves.

This is why it is good for legislatures to stick to legislating and for judges to stick to judging. It may be all right for legislatures to care little about the facts of particular cases when they are contemplating general legislation. But the judicial officer who fails to attend excruciatingly to the facts of the *particular* case he is

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deciding, on the contrary, is fundamentally and dangerously untrue to his function and duty.

One of the characteristic defects of the NLRB is that it is continually forcing the facts to fit its predetermined policies. Instead of fitting Congress's law to the facts as they exist, the Board persistently manhandles the facts so that they will produce the results it wants. The Board wants every employee in the nation to wear a union label. If Congress says that employees need wear a union label only when it fits them, the Board does what it can to make a fit. If the facts don't fit, the Board will make them fit. If there are no material facts at all, the Board will frequently use adjectives to make up the deficiency. Thus in *Rivers Mfg. Co.*, the trial examiner delivered himself of the following comments: "In this setting of intensive and extensive [sic] interference, restraint and coercion, the Respondent terminated the employment of nine employees . . . known by management to be union adherents. . . . The evidence sustaining General Counsel's allegations that these October 2 discharges were designed to discourage further self-organization is overwhelming."[37]

After a painstaking examination of the entire record, Circuit Judge O'Sullivan concluded that the trial examiner's characterizations were not only exaggerations but "without foundation." "A right to *infer*," he said, "is not a right to *create*."[38]

The point is that it is unrealistic to expect patient, painstaking analysis of fact and application of existing law from committed ideologues; for they are interested more in molding the world to their desires than in doing justice in the immediate dispute. The closely related point is that such ideologues cannot be expected to subordinate their policy wishes to those of the legislature. Hence, if Congress wishes its policies to govern the country, it must insist upon judges who are willing to confine themselves to judging and to leave the policy-making to Congress.

The Representative Function

Some will perhaps challenge this view of the necessity of Congressional policy-making supremacy. We have heard a great deal of talk in recent years, for example, about the superior representative qualities of the presidency. However, disinterested analysis of the relevant facts must quickly dismiss such talk. As remarkable as the Presidents of this country have been, it is impossible for any one man — even before being elected President — to equal

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Congress' representative capacity. And it is simply absurd to expect him to sustain a broadly representative character after he takes up the consuming burdens of office. No one man can even meet and know as many people in as many places as five or six hundred Congressmen and Senators can. Still less can he reconcile within himself the kind of consensus or compromise which is possible in a multitudinous consultative assembly originating in all the geographically distinct areas of which the country is composed.

If the President wished realistically to gather the consensus of the whole country on all issues, he would *as a practical matter* have available to him no better mechanism for doing so than the one already available in the House and the Senate. There is really a very peculiar meaning in the assertion that the President represents the whole country better than Congress does. Persons using such language mean that *they* have been able to convince the President of the worth of *their* proposal while Congress has remained unmoved. But when Congress remains unmoved – it being the genuine representative of the whole country – the meaning is that the whole country is not ready to endorse, as the President may be for his own reasons, the desires of the pressure group involved.

No Job for the President

Many Presidents have agonized over the "loneliness" of their position. This phenomenon, grown more frequent of late, is of potentially great significance to any study of the Separation of Powers. The lament grows out of the condition of executive power which, presumably, the person who gains the presidency has more or less actively sought. Executive responsibility must ultimately be concentrated in one person. In this country, with government grown so great, presidential responsibility absorbs as much time and energy as the incumbent is willing and able to give it. An executive decision always has to be made, one way or another, clean-cut or ambiguous. There is no way in the world for the President to share his responsibility in the way that Senators and Representatives not only can do – *but must.*

This is not to say that Senators and Congressmen do not have to make "lonely" and difficult decisions with respect to their own personal choice of action. Of course they do, as all human beings must. But it is in the nature of legislation in a representative government that the responsibility for every legislative act is a well-di-

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vided and broadly shared responsibility, arrived at deliberately – with each Congressman or Senator in a position to be fairly confident that his vote either reflects the majority sentiment of his constituency or at least does not violate *that sentiment sufficiently to lose* him his office. It is physically impossible for a single person over any sustained period, however delicately tuned his antennae, to maintain such rapport with the whole nation, especially when he has heavy executive responsibilities to dispatch. He can take only one position on an issue at a time. That is the ineluctable consequence of being a single human being. Five hundred or so elected representatives can take five hundred positions, and each, theoretically, may be satisfying his duty to his own constituency.

The merit of representative government in the form established by the Constitution of the United States lies mainly in its realistic response to such practical considerations. No better way to run a country in accordance with the dominant wishes of the community has as yet been discovered.

The Labor Board Out of Order

If it is true that the President – the outstanding politician of the country (I use the word with no pejorative intent) – cannot represent the sum of the country's policy wishes as well as the Congress does overall, it would seem to go without saying that no bureaucrat, no administrative agency, no judge or body of judges can do so. This is why, in a country which prides itself upon being a representative government, it is supremely desirable that anyone exercising judicial power be content to leave the policy- and lawmaking to Congress. For the alternative involves the abandonment of representative government and a substitution in its place of rule by the one or the few. In Aristotle's terminology, the commonwealth gives way to democracy, and democracy to tyranny.

If judicial temperament and a willingness to leave policy-making to the legislature are the two basic and reciprocal requirements for a proper exercise of judicial power, it is difficult to see how Labor Board members and personnel qualify better than do Federal judges. On the contrary, a Federal judgeship is far more likely to secure those qualities than is an administrative appointment. Consideration of our second basic question will further illuminate this matter.

That question is whether the Congressional policies embodied in the Labor Act, and with them the supremacy of legislative policy-

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making, are likely to be better enforced and preserved by the Labor Board or by the Federal courts.

I happen to believe that, over the years, decisions of incomparably higher quality, greater fairness, and more cogency have been produced by the United States Courts of Appeals than by the National Labor Relations Board.[39] But it is not enough simply to register the opinion that better decisions have come from the courts than from the Board. I assume that the reader is interested in looking into the question whether there is something inherent in the character of Federal judgeships or Board memberships on the basis of which a fair prediction about the future conduct of the respective incumbents can be made.

Human beings, customarily with legal training, man both the Federal courts and the NLRB. We must assume, if we are to avoid interminable and inconclusive personality comparisons, that agency members and judges begin with equal moral and intellectual characteristics. The question then focuses on the respective institutional settings and the probable effects of those settings on the performance of their judicial duties. This will be the subject of a concluding article in this series. ◈

FOOTNOTES

[36] It took the NLRB fifteen years to bring the Mastro Plastics case to a conclusion. Cf. NLRB v. Mastro Plastics Corp., 354 F. 2d 170 (2d Cir. 1965). The excuse proferred by this "expert" agency: a shortage of competent personnel.

[37] Quoted in Rivers Mfg. Co. v. NLRB, 55 CCH Lab. Cas. ¶ 11902 at pages 18977-78 (6th Cir. 1967).

[38] Ibid. at pages 18977, 18978.

[39] I have undertaken a comparison of the court decisions cited in note 12 with the NLRB decisions which they reviewed, and have been greatly impressed with the acumen, the intellectual flexibility, and the large-mindedness of the judges as compared with the contrary characteristics in the NLRB decisions or trial-examiner reports. But for the reviewing power of the Federal courts, I am convinced that we should be experiencing in labor law today a succession of travesties of justice such as has not been seen heretofore in either England or America.

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THE RIGHT TO LIFE

JEROME TUCCILLE

IS THE WAR in Vietnam the major issue confronting us here in America today? Or is it perhaps the malignant spread of crime and violence in our streets? Then again, maybe it's the race question? – or the growing concern over an urbanized society? – or birth control? – or abortion reform? – or education?

The true answer lies at the root of all these issues. For the above are merely the symptoms, the effects, the natural by-products of a deeper fundamental issue which lies at the heart of virtually every malady that faces us today. This root cause can be stated concisely in a single phrase: the deterioration of individual freedom.

Either an individual born into society has the right to his own life, or he does not.

Either he has the right to life, liberty, and the pursuit of happiness, or he does not.

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Either this fundamental right is his by nature, by the very fact of his existence, or it is an arbitrary gift which can be granted to him by society, or revoked by that society according to the whim of the moment.

Either an individual's life belongs to himself alone, or it is an object of public domain which can be manipulated by and sacrificed to any group that puts a claim upon it.

It is my assertion here that there can be no such thing as civil rights, or human rights, or economic rights, or any other kind of "rights" unless there is first and foremost an understanding of the true nature of individual rights. Unless we understand and affirm the principle that each and every individual is born a free agent into society, that this freedom is a natural right and is not granted to us by governmental decree, and that this basic right entitles the individual to use his life as he sees fit, to aim it in whatever direction his reason and ethical judgment advises him to – as long as he does not interfere with the same right of his fellow human beings – there can be no such thing as peace on earth, no such thing as respect for law, no such thing as racial justice, no such thing as harmony in our cities, no such thing as satisfactory educa-

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tion, no such thing as morality in our personal lives (for morality presupposes freedom of choice). Unless each and every individual is free to direct his own life, free to make the decisions that are necessary for his own welfare and survival, none of us is totally free.

It is important to remember that, for every individual whose rights are sacrificed for the "general welfare," there is someone at the receiving end of each coercive sacrifice — someone is collecting sacrificial offerings dictated by the state. And just as the state may demand that one individual be sacrificed today for another, so tomorrow it may change the rules and today's recipient may become tomorrow's victim.

There can be no such thing as peace on earth as long as the state is permitted to draft its citizens from private life into the ranks of an internationalist police force.

There can be no such thing as order in our streets as long as people do not recognize and respect the right of other individuals to own and maintain property, to walk the streets without threat of physical attack — in short, as long as people do not respect the right to life itself.

There can be no such thing as racial justice as long as we insist on categorizing individuals as members of a particular collective — as Jew, as Negro, as Wasp, and so on ad infinitum — rather than judging a person according to his worth as an individual.

There can be no such thing as "decent education" as long as the state is free to authorize a public curriculum, and then make every citizen support it through taxes regardless of whether or not he believes in it and wants to make use of it for his own children.

There can be no such thing as freedom of religion as long as particular religious sects organize lobbies to pressure for governmental favors, thus dissolving the barrier between church and state which was the direct cause of religious freedom in the first place.

There can be no such thing as morality, itself, unless each individual is free to make decisions that affect his own personal life — indeed, the most personal elements of his life.

The most important issue confronting us here in America today — across the entire face of the earth for that matter — is the attack by the collective mentality on the freedom of the individual. It is an attack on the right to life itself, and only by recognizing this fact and meeting it head on will we achieve the freedom and justice that is so dearly cherished by all rational men. ◈

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ACCENT *on the* RIGHT

KARL RADEK, after the umpteenth communist mistake in the Soviet Russia of the nineteen twenties, said to journalist Ernestine Evans that "there must be something to this Marxism, for we're still alive." What Radek missed was the fact that the power of the communist bureaucracy had been saved by a strategic retreat to voluntary features with the New Economic Policy, which, for a crucial span of time, let the peasants produce as they pleased.

Communism is always being saved by retreats which deny its own premise. Staying close to home, Leonard Read applies this insight to our own variety of collectivism. His *Accent on the Right* (Foundation for Economic Education, $2 cloth, $1.25 paper) should be a convincing answer to the many Fabian Radeks among us who attribute the economic strength of the United States to government interventions, which is equivalent to saying that the brake is what makes the automobile move.

To the Fabian Radeks, Leonard Read says, in effect: "There must be something to this voluntarism, for we're still much more alive than they are in Moscow and Peking." True, we are always doing violence to the rule that affluence derives from liberty. At one point in his book Mr. Read lists some of the prohibitions on our freedom of choice. We pay farmers for not growing peanuts and cotton. We support socialist governments, in Yugoslavia and elsewhere. We take tax money from the people in order to put a man on the moon. We subsidize below-cost pricing in lots of things, and pay for the subsidies by funny-money shenanigans that inflate the prices of everything else. We "renew" slum areas, driving the poor people out to cre-

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ate new slums on the other side of town. We keep businesses from hiring apprentices and from putting teen-agers to work by our insistence on a minimum wage law. We refuse to let private enterprise deliver first-class mail. We even prevent people from going out of business if they happen to be having trouble with union labor.

First, Identify the Problem

Mr. Read is unflinchingly honest when it comes to recognizing the hobbles on our freedom of choice. But he is not one for maintaining a defeatist posture. "Find the wrong," he says, "and there's the right" – meaning, of course, that the identification of sin always suggests its opposite in something better. Despite "profuse expenditure, heavy taxation, absurd commercial restrictions, corrupt tribunals, disastrous wars, seditions, persecutions, conflagrations, inundations" – the quotation is from Lord Macaulay, who wrote in 1839 – we do not seem to be "able to destroy capital so fast as the exertions of private citizens have been able to create it." Or, as Leonard Read adds, quoting some Brazilian entrepreneurs, "We get things done while the politicians sleep."

Our inventiveness and ability to specialize have, ever since the time of Adam Smith, always managed to race far ahead of the restraints on willing exchange. Regress has not been able to keep pace with progress. So Leonard Read continues to count his blessings. He is, as Ayn Rand would probably say disapprovingly, something of a mystic. But only to the extent that he sees Creation going on around him as the world changes and mutations occur. Mr. Read likes the free market, in goods, services, the exchange of ideas, ideals, knowledge, wisdom, information, faiths, doctrinal concepts, discoveries, inventions, and intuitions – because it is in harmony with "Creation: Capital C." Competition, in short, is in the grain of things.

Government-Induced Poverty

Leonard Read doesn't listen much to politicians, for he considers it a delusion to expect that government can end poverty. Government has nothing to hand out except what it garnishees from taxpayers. Obviously, says Mr. Read, this subtracts from private ownership and is a dead-end road. Savings are drained from those who have, which is not conducive to the capital formation on which production – and even taxation – rests.

The alleviation of poverty, as Mr. Read says, is a by-product of private ownership and the free market. Conversely, it should be

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stated that poverty is a by-product of government intervention. The migration of the Negro poor who have been pouring into the deserted inner core areas of our cities is a government-created phenomenon. It all began in the nineteen thirties, with the best intentions in the world. The big thinkers of the day decided that too much cotton was being raised. So we had politically decreed acreage reduction, plus subsidies to owners for the land that was taken out of use for the "soil bank" and such. The bigger farmers who got most of the subsidy money poured some of it into fertilizers which enabled them to grow more cotton on less land. And, with the rest of the subsidy money, they went in for the new planting and harvesting equipment that enables them to dispense with the Negro cotton chopper.

No doubt the mechanization of farming would have come anyway. But the process was accelerated by the politicians. And the Negro poor, displaced all at once, have not had the time or the opportunity to make an orderly transition to new ways of life.

Technological Impact

We see something similar happening in California. To get rid of Mexican labor, the government has put hobbles on the so-called braceros who used to cross the border from Sonora, Chihuahua, and Lower California to pick tomatoes. The idea was to make room for Americans as field hands on the California ranches. But the Americans, for one reason or another, failed to come out from the cities to take the jobs. Unable to get their tomatoes picked, the California farmers put in a hurry call to the inventors and the agricultural cross-breeders. Within an amazingly short time the cross-breeders had perfected a tomato plant which bears fruit that ripens all at the same time. And the inventors came up with a machine to pick the fruit of the new plant. Result of the whole process: The poor Mexicans have been deprived of the opportunity to get capital in sufficient amounts to buy land of their own below the border. And the Americans who were expected to take the place of the Mexicans in the fields are still living on relief in the skid rows of Los Angeles, San Francisco, and other West Coast cities.

Mr. Read, who believes in the necessity of mobility, would have a hard time explaining our policy to the Mexican government, which has been surprisingly silent on the subject of the hobbles we have placed on bracero labor. If I were the President of Mexico, I would be hopping mad. Not only do we

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create poverty by government interventions at home, we also export poverty to our neighbors.

Luckily for Mexico, she can absorb the blow. The reason: The Mexican middle classes have been creating capital faster than the politicians, many of whom still pay lip service to the "revolution," have been able to drain it away by taxation. The Mexicans might echo Mr. Read's Brazilian friends: "We get things done while the politicians sleep." ◈

IDEAS ON LIBERTY

History of Intervention

THE HISTORY of government limitation of price seems to teach one clear lesson: that in attempting to ease the burdens of the people in a time of high prices by artificially setting a limit to them, the people are not relieved but only exchange one set of ills for another which is greater. Among these ills are (1) the withholding of goods from the market, because consumers being in the majority, price fixing is usually in their interest; (2) the dividing of the community into two hostile camps, one only of which considers that the government acts in its interest; (3) the practical difficulties of enforcing such limitation in prices which in the very nature of the case requires the cooperation of both producer and consumer to make it effective. . . .

From an address by MARY G. LACY, Librarian of the Bureau of Agricultural Economics (U. S. Department of Agriculture), delivered before the Agricultural History Society on March 16, 1922.

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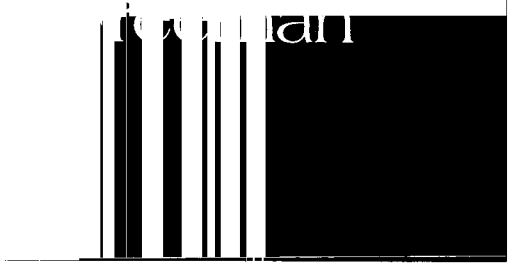

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